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AMERICAN POLITICAL INSTITUTIONS AFTER WATERGATE—A DISCUSSION
Demetrios Caraley
Charles V. Hamilton
Alpheus T. Mason
Robert A. McCaughey
Nelson W. Polsby
Jeffrey L. Pressman
Arthur M. Schlesinger, Jr.
George L. Sherry
Tom Wicker

THE SUPREME COURT AND SCHOOL DESEGREGATION: TWENTY YEARS LATER
Harrell R. Rodgers, Jr.

FEDERAL POLICY, LOCAL POWER, AND METROPOLITAN SEGREGATION
Gary Orfield

THE GERMAN JANUS: FROM *Westpolitik* TO *Ostpolitik*
Peter H. Merkl

AGRARIAN OR WORKING CLASS RADICALISM? POPULISM IN WISCONSIN
Roger E. Wyman

BOOK REVIEWS

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Contents

American Political Institutions after Wategrate—
A Discussion
DEMETRIOS CARALEY, CHARLES V. HAMILTON, ALPHEUS T. MASON, ROBERT A. MCCAUGHEY, NELSON W. POLSBY, JEFFREY L. PRESSMAN, ARTHUR M. SCHLESINGER, JR., GEORGE L. SHERRY, AND TOM WICKER 713

The Supreme Court and School Desegregation:
Twenty Years Later
HARRELL R. RODGERS, JR. 751

Federal Policy, Local Power, and Metropolitan Segregation
GARY ORFIELD 777

The German Janus: From *Westpolitik* to *Ostpolitik*
PETER H. MERKL 803

Agrarian or Working-Class Radicalism? The
Electoral Basis of Populism in Wisconsin
ROGER E. WYMAN 825

Book Reviews 849

Reference Books and Source Materials Received 904

Correspondence 905

Title Page and Index to Volume 89 907

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Book Reviews

Goodwin, The American Condition — Robert Lekachman — 849

Hamby, Beyond the New Deal: Harry S. Truman and American Liberalism — Cabell Phillips — 850

Rosenthal, Lawyer and Client: Who's in Charge? — Bernard Barber — 852

Gans, More Equality — Howard Zinn — 854

Fried, The World of the Urban Working Class — Leonard I. Pearlin — 855

Etzioni, Genetic Fix — Alexander M. Capron — 856

Abraham, Justices and Presidents: A Political History of Appointments to the Supreme Court — John R. Schmidhauser — 859

Colbourn, ed., Fame and the Founding Fathers: Essays by Douglass Adair — Jack P. Greene — 860

Johnson, Justice and Reform: The Formative Years of the OEO Legal Services Program — Richard M. Pious — 861

Rose, Rothman, and Wilson, eds., Through Different Eyes: Black and White Perspectives on American Race Relations — Michael Preston — 862

Weistart, ed., Police Practices; *Ruchelman*, Police Politics: A Comparative Study of Three Cities — James P. Gifford — 864

Yates, Neighborhood Democracy — Francois d'Arcy and Dana Ward — 866

Krislov, Representative Bureaucracy — Wilbur C. Rich — 868

La Noue and Smith, The Politics of School Decentralization — Joseph F. Zimmerman — 870

Ostrom, The Intellectual Crisis in American Public Administration — Harvey C. Mansfield — 871

Tobin, The New Economics One Decade Older — Robert V. Roosa — 873

Bluhm, Ideologies and Attitudes: Modern Political Culture — Mostafa Rejai — 875

Veysey, The Communal Experience: Anarchist and Mystical Counter-Cultures in Twentieth-Century America — Lewis A. Coser — 877

Strout, The New Heavens and the New Earth: Political Religion in America — Richard E. Morgan — 878

Fox and Schilling, eds., European Security and the Atlantic System; *Schilling, Fox, Kelleher, and Puchala*, American Arms and a Changing Europe: Dilemmas of Deterrence and Disarmament — Edward A. Kolodziej — 880

Berrington, Backbench Opinion in the House of Commons 1945–55; *Punnett*, Front-Bench Opposition; *Richards*, The Backbenchers — Leon D. Epstein — 883

Zeldin, France 1848–1945, Vol. I: Ambition, Love and Politics — René Albrecht-Carrié — 885

Hildebrand, The Foreign Policy of the Third Reich; *Fenyo*, Hitler, Horthy, and Hungary: German-Hungarian Relations, 1941–1944; *Van Creveld*, Hitler's Strategy 1940–1941: The Balkan Clue; *Bethell*, The War Hitler Won: The Fall of Poland, September, 1939 — Edward D. Wynot, Jr. — 887

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ELECTRONIC REPRODUCTION PROHIBITED

Smolansky, The Soviet Union and the Arab East under Khrushchev
ARNOLD L. HORELICK 890

Cohen, Bukharin and the Bolshevik Revolution: A Political Biography 1888–1938 PETER JUVILER 892

Emmerson and Humphreys, Will Japan Rearm? A Study in Attitudes
AKIRA IRIYE 894

Wriggins and Guyot, eds., Population, Politics, and the Future of Southern Asia; *Evers*, ed., Modernization in South-East Asia CYNTHIA H. ENLOE 895

Olusanya, The Second World War and Politics in Nigeria, 1939–1953
LEVI A. NWACHUKU 898

Weisbord, Ebony Kinship: Africa, Africans, and the Afro-American
PEARL T. ROBINSON 899

Rolfe and Burtle, The Great Wheel STEPHEN G. XYDIS 901

Bernier, International Legal Aspects of Federalism GUENTER WEISSBERG 902

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From the Managing Editor:

In this issue . . .

The MANAGING EDITOR and Editorial Board members CHARLES V. HAMILTON, ALPHEUS T. MASON, ROBERT A. McCAUGHEY, NELSON W. POLSBY, JEFFREY L. PRESSMAN, ARTHUR M. SCHLESINGER, JR., GEORGE L. SHERRY, and TOM WICKER give their first impressions about the long-term impact of the Wategate events on American political institutions.

HARRELL R. RODGERS, while assessing the level of progress achieved in school desegregation since the Supreme Court's historic decision twenty years ago in *Brown* v. *Board of Education*, discusses the current standards of the Supreme Court and speculates on the implications of these standards for achieving further desegregation in both southern and northern school districts.

GARY ORFIELD describes the spreading patterns of residential and educational segregation in urban and suburban areas. He discusses the efforts of the judiciary to devise remedies for such segregation, showing the reach and limitations of existing decisions and the importance of developing metropolitanwide approaches.

PETER H. MERKL analyzes Willy Brandt's *Ostpolitik* and argues that it was not a radical departure from the foreign policy course of earlier governments in Bonn. According to Merkl, the only feature distinguishing it from its antecedents under Chancellors Erhard, Kiesinger, and even Adenauer, was that it was more consistent and hence successful.

ROGER E. WYMAN demonstrates that Populism in Wisconsin arose out of socialist-oriented labor radicalism, rather than from agricultural distress and that urban workers, not agrarians, provided the largest component of Populist supporters. His findings thus challenge the commonly held belief that Wisconsin had a long tradition of agrarian radicalism in the late nineteenth century.

DEMETRIOS CARALEY

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American Political Institutions after Watergate—A Discussion

DEMETRIOS CARALEY
CHARLES V. HAMILTON
ALPHEUS T. MASON
ROBERT A. McCAUGHEY
NELSON W. POLSBY
JEFFREY L. PRESSMAN
ARTHUR M. SCHLESINGER, JR.
GEORGE L. SHERRY
TOM WICKER

On September 13, 1974, the Editor and eight members of the Editorial Advisory Board of the *Political Science Quarterly* met to discuss what they believed would be the long-term implications for American political institutions of the Watergate events, including the resignation of the president. The group gathered in the Deanery of Barnard College, Columbia University. No written presentations were prepared so that the discussion could be spontaneous and free flowing. The transcript of that discussion follows:

CARALEY*: Perhaps it would be best to begin the discussion with a fairly specific question and then proceed to more general ones. So let me first ask Alpheus Mason whether or not Watergate has made important changes in what we understood to be basic constitutional law?

Watergate and the Judiciary

MASON†: There may have been a change, but I don't think it's a drastic change. I would like to address my remarks to the one decision of the Supreme Court—*U. S. v. Richard M. Nixon*, decided July 24, 1974. That decision reaffirmed and reestablished judicial review as an essential ingredient of a government under an overruling Constitution. The basic issue in this case, as argued by the president's lawyer, James St. Clair, was whether we live under a government of laws or of men. He put it almost categor-

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ically in those terms. So what was involved, I believe, was the viability of *Marbury* v. *Madison*. I think it significant that Chief Justice Burger quoted from the *Marbury* opinion that "it is emphatically the province and duty of the judicial department to say what the law is." In the chief justice's mind, St. Clair was claiming for the president, at least in this area, the power to say what the law is. In justification, St. Clair invoked the principle of separation of powers. Ironically, Burger, like Chief Justice Marshall, used the same principle to support judicial review against the claims of either Congress or the president.

Chief Justice Burger didn't use the term "executive privilege"—a striking omission, I think. He talked about "the privilege of confidentiality of presidential communications," and mentioned three areas—"military, diplomatic, or sensitive national security secrets." I hesitate to take any exception to Tom Wicker who has written an article on this subject in which he seems to think that somehow or other the president has gained a good deal as a result of this decision. For the first time, Tom tells us, the Court established "constitutional underpinnings" for executive privilege. And, as a matter of fact, Nixon, agreeing for once with Tom Wicker, was gratified "to note that the Court reaffirmed both the validity and the importance of executive privilege—the principle I have sought to maintain." It doesn't seem to me that this decision or the opinion quite bears this out. In the first place, the areas are specified in which the confidentiality of communications are deferred to by the Supreme Court. And, in the second place, the Court still reserves to itself the power to draw the line between those matters which are confidential and therefore beyond the control of the Court and those which are not within the president's power. So, I don't think anything has been changed as a result of this decision. Judicial review is still intact. The extraordinary thing about this case is the president's challenge of judicial review, in practice for nearly 200 years. The decision was unanimous. Not even Nixon appointees could be expected to sign their own judicial death warrants.

POLSBY*: Is it your view that by the act of defining executive privilege . . .

MASON: They didn't define it.

POLSBY: They circumscribed it.

MASON: They circumscribed it and specified three areas. Those areas had been recognized from almost time immemorial as within the province of the president. In these areas, Chief Justice Burger noted, the Court had "traditionally shown the utmost deference to presidential responsibilities."

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* NELSON W. POLSBY is professor of political science at the University of California, Berkeley.

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CARALEY: So are you saying there is nothing new in the upholding of the concept of executive privilege?

MASON: It's a reaffirmation . . .

SCHLESINGER*: It makes explicit what had been implicit in practice.

MASON: That's right.

WICKER†: That is precisely the point that was striking to me. Now you are better able to quote precisely the terms of the decision than I am. It is my recollection that the Court specifically cited military affairs, foreign diplomacy, and national security. I am stating to you that that Court in defining those three exceptions has defined an area of exception which is wide enough to drive through a whole Amtrack locomotive. Now if the Court had attempted, which it did not, precisely to specify what are military affairs, foreign diplomacy, and national security affairs and had they succeeded, as they could not have and the mind of man is not able to, in defining that into the narrowest limits, I would say you are correct. But what in fact they have done is to specify three areas in the most general terms which any clever president will be able to plaster over virtually any area of government activity. I am stating my view —not, of course, a flat fact. I am saying that somewhere in the future, in my judgment, we risk here the possibility that a president will be able to use one of those labels or perhaps all three on something that does not really inherently belong under any of them and cite the Burger decision as justification.

SCHLESINGER: Everyone's right. I mean what Tom says is quite true but this is what presidents have always done and they will now be able to cite the Supreme Court decision. On the other hand, Alpheus can reply that at the same time they acknowledge the right of the Court to decide, which means abandoning the claim that executive privilege is unreviewable.

POLSBY: More, they're inviting litigation on the case.

SCHLESINGER: I don't think the situation has changed so much as it has been raised to a higher level—and this I regret because all those things are better worked out informally rather than formally.

WICKER: There might be an area of difference. I think you are right Arthur, but there might be an area of even factual difference. I don't want to state a superior claim here but I read that decision—every man can read his own decision—I read that decision to mean that if the president asserted a claim of confidentiality in one of these three areas, that probably the Court would not even entertain review.

---

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CARALEY: That's not what it says . . .

POLSBY: Yes, I too think the opposite. In fact, what has happened is that the Court, by first taking a case of this character, has put itself in the business precisely of inviting litigation on the matter.

WICKER: But this decision simply stated that the president had not made any such claim on these tapes. Now suppose he had?

CARALEY: Let me read the key passage from the *U.S.* v. *Nixon* decision:

> The President's need for complete candor and objectivity from advisers calls for great deference from the courts. However, when the privilege depends solely on the broad, undifferentiated claim of public interest in the confidentiality of such conversations, a confrontation with other values arises. Absent a claim of need to protect military, diplomatic or sensitive national security secrets, we find it difficult to accept the argument that even the very important interest in confidentiality of presidential communications is significantly diminished by production of such material for *in camera* inspection with all the protection that a district court will be obliged to provide.

The Court is, in effect, saying here that this is the president's weakest case. They are not saying the opposite though—that if the claim had been made, they would not have even entertained review.

WICKER: This is the kind of language that can be read to say that if the president had asserted that his tapes in this case involved military, foreign diplomacy, or national security matters, it might have helped him.

POLSBY: Well, Tom, it wouldn't have helped him. That's very clear. I think it important that we not lose Arthur Schlesinger's point—that something which heretofore has been negotiated out has now been placed in the realm of litigation and that the Court has taken unto itself the right to decide cases where these sort of claims are controverted whereas until now it's been done as among politicians. And I think that is a significant difference.

WICKER: The Court has taken on that right "absent the claim."

SHERRY*: There is a respectable tradition in democratic thought to the effect that these three areas are in fact privileged in certain respects and it goes all the way back to Locke and before. So that there is a historical background to that . . .

SCHLESINGER: And a practical background.

SHERRY: And a practical background, of course, and there are reasons for it which cannot simply be dismissed.

WICKER: Of course, they cannot be dismissed.

---

* GEORGE L. SHERRY is Principal Officer, Office of the Undersecretaries General for Special Political Affairs, at the United Nations.

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CARALEY: Let me ask if we had all been given an examination a year ago and required to say whether the Court would take on this kind of litigation or say that it was a political question and therefore not justiciable, how would we have answered? Would we have all said it was a political question?

POLSBY: I would have said the Court will take the case. I am sure we would have said that. Although I believe Alexander Bickel's argument is essentially correct: they were asked to give an advisory opinion and gave one.

SCHLESINGER: I would not have thought it was a political question. It is not one in the traditional sense of the political question.

CARALEY: That was because the courts were directly involved and were dealing with evidence in a criminal trial, so that it was really the conduct of the judiciary's own business that was involved. It wasn't an issue between the Congress and the president but had to do with the conduct of the judiciary's business, which is to try cases.

MASON: The Court in a way is saying that they are reinforcing, are making the president sensitive to his obligation in this particular case to take care that the laws be faithfully executed.

WICKER: That is a very generous interpretation.

MASON: I know you are on the other side.

WICKER: I'm sure we don't want to spend the evening on this point. The observed practice of presidents, and in fact of governors everywhere, is when given an inch they take a mile. I trust sincerely that I am wrong and that everyone else is right. But I think the net impact of the Pentagon papers decision and that of the Nixon tapes decision, read twenty years from now and outside the context of these circumstances we are in, is that there are certain cases in which, yes, the government can enjoin publication in advance and, yes, there are certain circumstances in which the president has an adequate claim of confidentiality. I predict, and I hope I am wrong, that twenty years from now we will see presidents acting on those assumptions.

CARALEY: Well, they can claim it but that claim would be based on language that is all dictum. The holdings in each case went against the president's claim so all the other paraphernalia is dictum.

WICKER: In most of those cases it went against specific facts. It did not necessarily go against theory.

CARALEY: Yes, but lawyers make this differentiation that anything that's said in an opinion which is inconsistent with the actual holding of the case, with what was actually decided . . .

SCHLESINGER: Beyond what's required to decide the case.

CARALEY: Beyond what's required to decide the case, that such lan-

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guage is not binding law. Therefore any language that appears to grant the president any rights was just obiter dictum, that is, "said in passing," since in both instances, the president lost the case.

MASON: There's a footnote that might be relevant here. I am thinking of the *Keith* case decided in 1972 [*U. S. v. U. S. District Court*, 407 U. S. 297], in which the Court said specifically that "domestic security" is too vague a concept to be reliable as a guide for presidential conduct. It tends to refute your idea that the Court will give carte blanche to any president asserting military and foreign affairs and national interest problems. Why do you assume that the justices would be so free? The Court was unanimous in the *Keith* case, too.

SCHLESINGER: I would agree . . . Let me say one thing, I think what Tom Wicker points to is a technically possible development of the opinion. On the other hand the results took another side which shows the basic point that the language of the opinion is less important than the context in which the opinion is made. What all this means is that once again the Court throws the ball back to the country. They maintain certain options which an antipresidential Court and country can move in one direction and a propresidential Court and country can decide to move in another direction. I continue to think that this is just raising to a different level a situation that always existed. In the end it is the political balance in which the judicial decision is made that is going to be critical. I think we ought perhaps to pass on from the actual decision which maintains potentialities in different directions, to see to what extent it can be said, first, that a deep political impression has been made by these events which is going to affect the political climate for some time—and if so, for how long—and second, since, however long it lasts, the impact will be transient, are there structural changes that should be made to prevent such events from recurring?

CARALEY: That's a good question.

Watergate and the Power of the Press

McCAUGHEY*: I've been struck by the conversation so far perhaps because I fall too easily into the occupational fallacy of trying to identify comments according to how the commentators spend an eight or ten or twelve hour workday. But it struck me, Tom, that you believe that the Court had opened the door to a continuation—after a quiet lapse—to an expanding executive . . . that the particular holder of the crown had been

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displaced but the crown will come on shinier than ever, and that the Court perhaps didn't do in the crown. My own reaction to the events is that the Court all through the Watergate series may be seen as somehow strengthening itself; it was asked an advisory opinion and gave one. Perhaps this is a muscle flexing of a sort. But your concern seems to be it didn't flex enough to put the presidency back in its historical place, its appropriate place. My own sense of it is that the real winner in these events is the press. It has become, however unofficial, the most assertive branch of the government; it is not the president that comes out ahead and it is not the judiciary that comes out ahead but in an informal way the press. You are correct, I think, in saying that the Watergate and Pentagon opinions could be used later on to buttress an "imperial presidency," but I think for people who didn't read the Pentagon decision with the occupational concerns of a journalist, the exposé of the Pentagon papers constituted not a down-the-road challenge to the press but a successful assertion of the press. It strikes me that one of the structural changes we may be confronting is a press much bemuscled as a result of Watergate.

SCHLESINGER: But that's a political change not a structural change.

McCAUGHEY: Well I'm not so sure.

POLSBY: Why even a political change? Argue your case.

McCAUGHEY: Because we've made several decisions without resorting to the ballot box. We've been able to make several rather basic changes in executive personnel without having once gone to the public except through the press.

POLSBY: You mean the Twenty-fifth Amendment, somehow, is an illegitimate enactment?

McCAUGHEY: No, but we have in a series of events, I think—which in some ways precede Watergate, you may date it from the spring of 1968 with Johnson if you will—witnessed changes in the political arrangements in this country that have not come about essentially through the ballot box or, I would argue, through the courts.

SCHLESINGER: But there's nothing new about that surely.

McCAUGHEY: But the degree to which a string of successes has been put together, that's new.

SCHLESINGER: The press is not the cause. It was events that shocked public opinion.

McCAUGHEY: Well, certainly. But we weren't shocked in June of 1972 by the break-in.

SCHLESINGER: Nor was the press shocked. The *New York Times* carried the story on the back pages until after the election, as I recall.

McCAUGHEY: But the story was kept alive—and not by the 1972 Democratic candidate.

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SCHLESINGER: He did his best to keep it alive.

McCAUGHEY: But he was unsuccessful in doing so.

POLSBY: Well for good reason; nobody knew what its dimensions were.

PRESSMAN*: Yes, part of the reason for the success of the press with respect to Watergate was that there was a lot to be uncovered. So we should keep those special circumstances in mind in assessing the future role of the press as a limitation on presidential power. And I certainly think that the demise or weakening of the executive shouldn't be too widely heralded before it happens. By the way, it's interesting to note that, soon after the Nixon resignation, the press was once again calling for executive leadership in foreign affairs and also in economic affairs—to do something about inflation. The press was right there, calling for strong action and saying that President Ford was the one person who could provide that action. I think that Ford's pardon announcement might have been the one event that could have dissipated some of this glow. But after a month—or maybe only two weeks—of talking about the need to limit the executive, people will point again to a crisis on Cyprus or the price of bread, and say that the president has to act. That all indicates to me a continuing feeling that there are world events which somehow cry out for executive leadership. And the press, for all of its good work on Watergate, has not exactly been at the back of the line of those calling very loudly for executive leadership. So I think your point about the press in this case being the effective opponent of the president is well taken, but I also think the Watergate case may be a very extreme example and the presidency might turn out to be as strong as ever. Watergate behavior is really an extreme; presidents can't do that sort of thing but most of them probably wouldn't want to do so.

WICKER: I agree with that profoundly. The tendency of the press in this country is, has been most of the time, and will be again to play on the team. The tendency of the press in this country is not to attack presidents and I think the Watergate case has proven that rather than refuted it. Most of us were dragged kicking and screaming into Watergate. And ultimately, it may well be, the press did play a substantial role, although I think that role is exaggerated considerably. Your point is beautifully taken about immediate reaction to Ford. The *New York Times* was out there within a week of Ford's accession calling for vast exertions of presidential power again by this new guy. I think that it is something that this panel might well deliberate and I don't quite understand it myself . . . that yearning on our part for a great leader.

---

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SCHLESINGER: I think the presidency is indestructible—partly for good reasons, partly for foolish ones. The foolish reason is the great public desire to believe in and admire the president. This was shown in the immense euphoria which greeted Ford. One saw it in ourselves . . . I mean Ford was a very disarming figure and one wanted to think he was better than he is. And we owe it to Gerald Ford—and we ought to express our gratitude to him—that he reminded us so expeditiously of his fallibility. But, beyond the foolish reasons, there is, I believe, a functional necessity about the presidency. Take problems, Tom, that you've cared about through the years, like civil rights . . . where would we be in civil rights if it weren't for executive leadership? Historically, the office of the president has served the nation well. I think the crippling of the constitutional powers of the presidency would do the nation great harm. The problem is to combine rational beliefs in effective presidential power with skepticism and demystification about the institution.

PRESSMAN: That continues to be a critical dilemma for all of us who would like to see a strong president, but not an excessive president. We've got to figure out in what ways we could draw the line, what sorts of structural changes are possible. There are a lot of people who are quite willing to throw out the baby with the bath water and just tear down the presidency.

WICKER: Let me add a further impression that I have quite aside from editorial advocacy or even investigative reporting or exposure or anything of that sort. One of the great problems we face is the tendency of the press to glorify a president. It's what I call, with all due respect to a fellow I liked, "Merriman Smith reporting." Merriman Smith conceived of the idea that the public wanted to know what toothpaste the president uses. And over the years that's become our main coverage of the White House. You can see this in the first weeks of coverage of Ford, showing him on the trampoline, and cooking breakfast.

POLSBY: Well, now, Ford didn't put that in the paper, the newspaper people did that.

WICKER: That's what I'm saying. Aside from the questions of exposing Watergate or advocating policy decisions, the tendency of the press is to glorify this man out of all proportion, beyond anything that is rational. Whether it's Ford, or Nixon, or Johnson.

POLSBY: Why?

WICKER: This has to do with what's wrong with the press. On the other hand, I think if you took it deep enough you would find that the press was satisfying some instincts of the public or at least it thinks it is, and therefore is getting some lead from the public. So it's not institutional reform that has to do with government.

POLSBY: Let's discuss this some more. Why does the press behave in

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this fashion? In part I think it's because they really aren't very preoccupied with the activities of governing.

SHERRY: Perhaps because they are, because they realize that the only agency within our own or any other system of government that can carry out a coherent policy in any realm of endeavor is bound to be the executive; the legislative by its very structure is not capable of carrying out any long-term policy either in domestic or foreign affairs.

POLSBY: Sure, but you look at a newspaper and you don't see them talking about what effects executive measures have on people, or at least this is a very small proportion of their coverage of the presidency. Tell me where I can find, for example, what the day-to-day effects were on the government of the changes in the Bureau of the Budget when it became the Office of Management and Budget. The only time we got that, as a matter of fact, was when we had a changeover and everybody said now maybe they are going to do something about that terrible Office of Management and Budget which was messing up the whole of the United States executive branch.

SHERRY: Again the usual naive assumption that structural change will, of course, necessarily result in change in policy—that changing the name of the Post Office to the Postal Service will improve service.

POLSBY: In fact apparently there were significant changes in the way in which we were governed and yet there was no coverage. Instead we had the normal sort of preoccupation with personality and human interest.

SHERRY: The kind of reporting that you are calling for is extremely difficult and very rare.

HAMILTON*: To get back to Arthur Schlesinger's comment about executive leadership and civil rights, I think it is only recently that the presidency, under Kennedy, has become a major catalyst in civil rights. I would look to the courts as the major innovator in twentieth-century America.

SCHLESINGER: Truman's civil rights report really defined the issue. Eisenhower did not.

HAMILTON: Right. But I think there are two institutions that came late to the whole question that we are talking about now, the political party and Congress. They were late-comers to this particular crisis and maybe that's their role. It may well be their role and we will continue to see the need for a strong presidency to deal with not so much the ultimate traumatic crisis, but rather with long-term ongoing questions—inflation, foreign policy. I'm not sure that Congress or the political party can crank

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up to deal with those ongoing critical questions. But when it becomes a question of traumatic, immediate crises like those we faced in the last year, other institutions will move forward and take temporary leadership—the parties, Congress—as they did.

CARALEY: Or even the press. And what it may do is simply perform a catalytic function. I'd like to go back just another minute to Bob McCaughey's point about the press. I think it was downgraded a little bit too much. You are all right that the press doesn't take the initiative. It needs a source to bounce something off and then it will start talking about it. It will not talk about the Office of Management and Budget until there is a credible source, a newsworthy source already talking about it. But its major power comes from the ability to perform a catalytic function and crystallize latent discontents. When the press got disenchanted with the Vietnamese war, that, in my mind, caused Johnson's downfall. Before the press got converted . . .

SCHLESINGER: Wait, the press is only a medium. What destroyed support for the Vietnam war were two things: first, the Viet Cong; and second, the changes in the draft regulations that permitted the sons of opinion makers to be drafted. These were events. All the press did was to report and reflect them.

CARALEY: Yes, but it can report events widely and selectively. I think when Nixon released all those transcripts in April he did not take into account—and maybe he should have—that half an hour later the TV networks were going to broadcast the most damaging sentences and not report on all the material in the whole stack of volumes he made public. We had the sentences that were absolutely the most damaging to Nixon's point of view, and we had it from the commentators, within half an hour that night. Even I didn't realize as I was listening to the speech that the press could do it that quickly. Nixon also probably thought that the immense volume of the transcripts would simply overwhelm anybody's ability to find the relevant portions.

WICKER: The point coming out of this is that when the Vietnam war became an obvious failure, the press began to react to that. When Watergate became an obvious scandal, the press reacted to that, and only by those two routes did the press ever get into the question of executive power—and then almost by unavoidable coincidence. No one who criticized the Vietnam war, criticized the presidency as such. Then Bob Woodward and Carl Bernstein's book [*All the President's Men* (New York, 1974)] tells you that they were horrified—or at least they say they were—when they discovered that they had to get at the presidency if they were going to get at Watergate. I think that is a pretty true picture of the way the press felt about it.

McCAUGHEY: The trouble I have here is that when the Vietnam

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war is a failure, when it's "obvious," then the press gets into it. Obvious to whom? To the two organizations to which Charles Hamilton refers? To the Congress or to the parties? They didn't announce it was obvious. Or obvious to Lyndon Johnson?

WICKER: To editorial writers, reporters, columnists, and so forth. They aren't really stupid men. When it became obvious to them, and when it became obvious how Watergate had been handled, then at some point it occurred to them as a result of both of those fiascoes that perhaps the presidential power here is open to question. But until you had the two fiascoes, you didn't get to the root question, and that's the point.

PRESSMAN: But also in each case it was important to have some recognizable political leaders saying that the Vietnam war was a failure or that Watergate was bad. That way the press would not just show college students having that insight, but also some senators and congressmen. It's important to remember that, after all of the press's revelations, if the Judiciary Committee had not managed to get itself together, the whole impeachment business would have been sidetracked. Remember, in July people felt that impeachment had a very good chance of failing even after all of the publicity had gone on. I think the press's role was extremely important, but we shouldn't minimize the contributions of, for example, congressmen in each of the cases you mentioned. That made it respectable and comfortable and believable for others to take a critical stand.

CARALEY: When we talk about the press, we of course also have television, and I assume we are using the word to include all the media. We saw the direct coverage of the Judiciary Committee in action where the media provided their communication function without their editorializing function. That kind of straight coverage probably had a great deal to do with forming public opinion.

POLSBY: I thought they were rather weak in their commentary on the Judiciary Committee meetings, and I was delighted that the House required them to simply show what was going on because if they had intervened more, I think it would have been worse.

Watergate and the Strong Presidency

HAMILTON: We heard a lot of talk at the end of August that the "system worked." What we are talking about is precisely that, but I don't think it is what a lot of people meant. What they meant, I think, is that we can catch the bad guys when they get too far out of line. I'm still of the opinion that we're going to have to rely substantially on a rather strong presidency. That pains you a little bit doesn't it, Tom?

WICKER: No, I agree with that.

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HAMILTON: And I think if the "system worked," it was precisely because the institutions, the media heads, the leaders of the two major political parties functioned when they had to function, at the last moment. And in the way they functioned, they played the role I suspect they could play under the circumstances. I don't think we are going to be able to get continuing ongoing government on many issues from those two arenas, and that's the point I'm making.

WICKER: I think this joins issue very clearly with the charge which I feel quite strongly without really having much detail to present to the group, that we go wrong if we think the solution somehow is to dismantle the presidency. And we go right if we say that somehow over a long period of time and out of mostly unnatural causes we have developed one institution which is unbalanced in terms of the others, that the problem is to find some new means—new by definition—of checks and balances to guard against this strong institution that indeed we need and, I think, none of us wants to dismantle.

SHERRY: And perhaps one of the principal effects of Watergate has been precisely that a quasi-institutional check on the presidency has been created and verified as being in existence and being capable of functioning, so that every president in the future will know in the back of his mind that if he steps too far out of line something can in fact be done to check him within the system. In that sense the system has "worked."

POLSBY: I think we ought to talk about the pardon at this point because it seems to me that the chief reason why the pardon was such an unfortunate event was precisely because it muddied those waters. That is to say, it made much more confusing and difficult over the medium run, the firm articulation of precisely what the norms are.

HAMILTON: Do you really want to codify it that way?

POLSBY: Yes, of course.

SHERRY: You can't avoid the operation of a political system and political forces . . .

HAMILTON: Don't try to codify too much.

SHERRY: You can't avoid politics.

POLSBY: What I'm thinking is, I would like this experience to have been sufficiently and thoroughly and officially explored so that people will know and understand what sorts of things are improper and unacceptable in a president.

HAMILTON: In other words you want your precedent to be clear when we have to return to it later. All right, fine.

PRESSMAN: That's an important point. It is not a question of asking for rigid rules. But the norms should have a certain clarity. Because of the pardon, the lessons of Watergate—in our discussion tonight, for instance—are a lot muddier than they would be otherwise. I think the sour taste

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that this leaves in the mouths of people who were feeling good for exactly one month is worth noting. And what implications does this have for people's views toward the criminal justice process? The pardon muddies the waters in what could have been a very important symbolic experience for the country.

SCHLESINGER: This also brings in that most disastrous of constitutional amendments, the Twenty-fifth Amendment. It's disastrous because it permits a president to appoint a vice-president and an appointed vice-president, whether out of prearrangement or out of sheer gratitude, can pardon the president who appointed him.

POLSBY: It seems to me that does scant justice to the confirmation process.

SCHLESINGER: The confirmation process is entirely nominal.

POLSBY: Well, I don't think it was nominal . . .

SCHLESINGER: It was nominal with Ford, it will probably be nominal with Rockefeller.

POLSBY: Well, I disagree entirely. It wasn't nominal because if it were, we would have gotten Connally.

WICKER: It's less nominal than Nixon's choice of Agnew or McGovern's choice of Eagleton.

POLSBY: Considerably. Oh, I think the confirmation process is very important—indeed, I think as we now can see, it is probably the only legitimizing aspect that remains, but nevertheless a very powerful one.

PRESSMAN: Can we just go back for a minute to George Sherry's point—which I think is an important one—that the lesson of Watergate is that there are limits to presidential power. Now, even without the question of the pardon, the limits of permissible activity were pretty wide. The focus in impeachment Article II was on abuse of power, but Article I was on the narrow grounds of criminal obstruction of justice. So rather specific criminal acts were being censured. Issues like Cambodia, war powers, and impoundment were dismissed by the committee as being relatively inconsequential. So a lot of high-handed presidential behavior does not seem to have been ruled out.

CARALEY: We also have to keep in mind that the articles were voted upon not only on their merits. Certain people had to vote "no" on some articles to stay politically alive.

POLSBY: Nevertheless they ended up with articles which seem to me are defensible on the grounds that they refer to offenses against the public order.

SCHLESINGER: Two criminal and one constitutional.

PRESSMAN: What could we say were the lessons regarding the limits of power? What is it the president can't do? We all feel the limits are im-

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portant, but what is it that future presidents will refrain from doing because of Watergate?

WICKER: That's a very important question and I think one of the lessons of this impeachment process that we've been through with Nixon is that a president is not impeachable—I am stating it perhaps too flatly but I think it's true—for anything he does in the guise of commander-in-chief, no matter how reprehensible it may be.

POLSBY: That very well may be true. After all impeachment is a political process, it was confided by the founding fathers to a political body, and political judgments are being used here. I would argue that the central fact which made Mr. Nixon's acts scrutinizable with respect to impeachment was that he conducted a systematic campaign to cripple, weaken, and delegitimize all the other elites that are also legitimate and have powers to govern in this country. His attacks on the executive branch, on Congress particularly through the executive privilege and impoundment issues, the way he went after the press . . . not merely disagreeing with them or attacking them in the normal way but through the broadcast licenses, through the harassment of Daniel Schorr and people like that . . . it seems to me he made it very clear to everybody else in official and semiofficial Washington that the Nixon administration was out to delegitimize them. Then, in that context, to see that criminal acts and coverup were involved, raises the issue of impeachment squarely. Now, take away the systematic attempts to delegitimize the other elites and insert only the possible commission of criminal acts and coverup and I am not so sure that you would in fact move toward impeachment. So an extreme form of the statement that you make, but quite possibly a tenable one, would be that a president in the future can get away with damn near anything so long as he remains within the political process.

CARALEY: I take exception to that point, because I think there's a more serious lesson . . .

MASON: I was just going to raise the question of whether you feel this experience means that the impeachment process is just the way it was before it was tried against Richard Nixon. After the impeachment of Andrew Johnson, scholars seventy years apart agreed that impeachment was all over.

CARALEY: Henry Jones Ford in 1898 called impeachment "a rusted blunderbuss, that will probably never be taken in hand again."

MASON: Now it would seem to me that the experience of impeaching or starting to initiate the impeachment process has indicated that this whole provision of the Constitution is by no means moribund. It was effective. It drove Nixon out of office.

CARALEY: It drove him out of office but what scares me is—and I

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seem to have a disagreement with Nelson Polsby in that I think just the opposite of the lesson he draws—I think the impeachment proceedings show that the president can get away with trying to delegitimize all the other elites, can try and succeed in interfering with the nominating process of the "out party" and so in effect weaken the out party's chance to defeat him. As long as a president is going to be wise enough from now on not to keep tapes to show that he is committing a crime, a serious statutory crime like obstruction of justice, he can still get away with it.

POLSBY: That's too extreme. No, I don't think the tapes were crucial. Also the accusation that he interfered with the Democratic nomination is, I think, much too strong. I would simply say that whatever expenditure of money he put into interference with the Democratic nomination, the Democrats spent so much more money to ruin their own nominating process that it was derisory. I was merely attempting to respond to Tom Wicker's view that while impeachment was there and was used, it's still a highly chancy thing to rely on, and I was pursuing that point because it has got considerable merit. We can't fully, or even really begin to predict what the configuration of political forces might be in the future which would bring impeachment back on the agenda again. But we would be wrong in drawing a lesson, as some people were in fact doing, that it is readily usable, and I think that is just not true.

CARALEY: I certainly agree that it remains very chancy.

WICKER: I'm not prepared to do it at this moment, but I think with very little study I could make a pretty good case that the secret war in Cambodia was the most heinous offence charged to Nixon in terms of our Constitution, the abuse of power, the consequences of it, and yet that was the one thing quite clear from the start that they were not going to use as grounds for impeachment. They were not going to impeach the commander-in-chief for acting as commander-in-chief.

POLSBY: Also, Congress felt they had been implicated in it. They felt they had acquiesced in it. That's a very important point because it suggests that so long as the president gives Congress a piece of the action, that action can be as questionable as you like.

WICKER: Congress is always going to have a very difficult time not acquiescing in these things, which is the flaw in the War Powers Act, important as that was symbolically. Nevertheless, when the president comes down and says our boys are in danger and our national interest is in danger, we've got to act, it's going to be very hard for Congress to say no . . . we can't do that.

POLSBY: But what's your alternative?

WICKER: I don't have one. I'm simply saying we've got a tremendous hole in the War Powers Act.

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POLSBY: But it's structural and the question is, is there a structural remedy that you can imagine that wouldn't make things worse in some way? I think the answer is no. Do you agree to that?

WICKER: Yes.

Impugnment as a Precondition for Impeachment

HAMILTON: Earlier I was suggesting to a few of us that what I saw happening in the last year was something I called impugnment of the president which preceded impeachment and I think impeachment is possible if it is preceded by this vague, but not too vague, process called impugnment. By this I mean, a process whereby a president's credibility and integrity are called into question in the most direct way. We began to see a number of events unfold which cut to the core of Mr. Nixon's personal character. And this was much more damaging than his simply becoming politically unpopular. You see, even if he had not resigned or been ultimately impeached, I suggest his impugned status had already rendered him finished as a leader. Clearly, Mr. Nixon had been impugned. I date it from Senator Baker's questions. What did the president know? When did he know it? What did he do about it? We had these three questions and all the time Mr. Nixon was telling us what he knew, that is—very little. The Saturday night massacre of Cox, Richardson, and Ruckelshaus contributed to the impugnment of the president. When the president of the United States has to go before the press and the public and say "I am not a crook," he is at that moment already impugned. I'm not talking about a legal concept here, I am talking about a political reaction, and the admission, of course, of lying which came in early August. Finally he was impugned with the revelation of his income taxes. I'm suggesting there's a distinct difference between unpopularity and impugnment. And when you get the occurrence of impugnment followed by the accumulation of evidence tending toward impeachment, a president is finished.

WICKER: I agree with that.

POLSBY: The distinction I think has to do with opinion at the elite and at the mass level. Truman was unpopular with the people when he fired Douglas MacArthur but General Marshall didn't resign, Undersecretary Lovett didn't resign, Dean Acheson didn't resign . . . as a matter of fact they breathed a sigh of relief. They were delighted and MacArthur came marching back and he walked into a Senate investigation by Richard Russell and Robert Kerr which was convened for the express purpose of letting the air out of his balloon. The difference I think is instructive. Now the elites who had been suffering this campaign of vilification from

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the Nixon administration turned on him and the masses came along afterward and it was the combination, in effect, which accomplished this impugnment that you are talking about, and it's a deadly combination.

HAMILTON: I accept that, and I would suggest it is still possible to launch impeachment proceedings, if you get that combination of forces.

WICKER: Chuck Hamilton's point about the taxes is well taken . . . because the elites turned on Nixon for many things but with that tax business, he also lost a lot of . . .

POLSBY: Mid-elites.

WICKER: The bowling crowd types.

POLSBY: Sure, the people out around the country who are very, very influential in their communities and, it wasn't just the taxes but the transcripts . . . it was that the whole spirit of the administration was seen by those people to be ugly.

WICKER: There is no income tax charge in the impeachment article voted by the Judiciary Committee. Nevertheless the income tax situation had a great deal to do with the votes on impeachment.

PRESSMAN: I think it helped make impeachment possible. When a congressman can say, now here are these fifteen terrible things, but I'm only going to vote for impeachment on the most serious of them, that helps him appear to be moderate about the issue. It helps somebody like Walter Flowers explain to people in Alabama what was going on, showing his moderation by pointing out the fifteen terrible things that he is going to overlook to concentrate on the two *really* terrible things. It seems to me that the tax situation, hovering in the background, played a very crucial role in that.

POLSBY: And the educational process . . . when the editor of the *Omaha World Herald* speaks to his people, and he did on the taxes and on the transcripts, that in effect lays down the base which makes it possible for Flowers and others similarly situated to make that statement.

HAMILTON: And the *Chicago Tribune.*

McCAUGHEY: Having retreated from the field earlier on the charge that the press could be conceded the winner, the statements just now bring me back. The Omaha editor is reading other papers that the Omaha readers are not. It seems to me that we can still come back to the process of impugnment as opposed to impeachment—which after all didn't take place in the case of Richard Nixon, who left the White House without being impeached. Nor did impeachment drive out his predecessor. Both of them were victims of impugnment undertaken by a multiple set of elites. But certainly one of the crucial elites here was the press.

POLSBY: But it is significant that Johnson was never close to impeachment. It was never in the cards at all.

McCAUGHEY: I don't think that is significant at all, because the ar-

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gument I would make is that a successful impugnment makes impeachment unnecessary.

Limiting the Imperial Presidency

CARALEY: Let's get back to the question of whether Watergate and the resignation are going to fundamentally weaken the presidency. In the concluding chapter of Edward Corwin's book on the presidency [*The President: Office and Powers*, 4th ed. (New York, 1957)], we remember he said that "by and large, the history of the presidency is a history of aggrandizement." And while Corwin conceded that not every president adds to presidential power he argued that "precedents established by a forceful or politically successful personality" are available to his successors so that a new assertive president takes off from the peak of his predecessors. Therefore if we read it that way and if we follow our discussion here that the presidency has not been irreparably weakened in any way at all—I think we are all agreeing to that—is the next president, the next assertive president, going to take off from the peak of Nixon's farthest extension of power rather than from the depths to which his power had fallen just before the resignation?

SCHLESINGER: In considering this question, we have to keep two things in mind. The founding fathers, I believe, intended to set up an energetic presidency. But they also wanted to make sure that presidents always operated under conditions of continuous accountability for their actions. I think we ought to focus on both aspects. The reason why the Constitution is out of balance is because of the erosion of the system of accountability. That system had one grave weakness—the realm of foreign affairs. Presidents not only necessarily ran foreign relations from day to day; but they also sometimes had to act, or believed they had to act, on their own—without the authorization of Congress—to protect the nation's interests or safety in the world. In responding to presidential initiatives in foreign affairs, Congress, the courts, and the people felt much less sure of their ground, much less confident of their information and their judgment, and therefore much less inclined to challenge and check and balance, as they did so freely in domestic affairs. As foreign affairs thus opened a breach in the historical system of accountability, so an extended international crisis widened the breach and began to weaken the whole system. The more active a role the United States took in the world, the more power flowed to presidents. It has been the unending international crisis in the thirty years since Pearl Harbor that has dangerously upset the balance between presidential power and presidential accountability and has created the imperial presidency. Congress itself was delighted in these years to get out of the line of fire and shift responsibil-

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ity to the presidency. Then in time some president was bound to take the prestige, the initiative, the supremacy he had been granted so willingly in foreign affairs and try to use it to strengthen himself at home. That's what Nixon tried to do. It's not so much a matter of trying to cut back, wing-clip the presidency as it is to make the system of accountability effective.

POLSBY: How would you do that?

SCHLESINGER: I think the answer lies only marginally in structural changes. There are a certain number of things that might be done, such as a joint congressional committee on the CIA or congressional overhauling of the secrecy system and that kind of thing. But these things are essentially expressions of congressional will; and, if that will existed in Congress, Congress could easily restore the whole situation anyway. So my conclusion is that basically the answer is political not structural. Basically it requires in the phrase from the Women's Liberation Movement, "consciousness raising." It requires the raising of the consciousness of presidents so that they hereafter will respect the system of accountability; it requires the raising of the consciousness of Congress so that they will hereafter begin to acknowledge and meet some of their responsibilities; and it requires the raising of the consciousness of the press so that they will end this nonsense of president worship—I mean the primitive rites we are all going through now with Gerald Ford—he cooks his own breakfast, swims forty laps, the first family, and all this guff.

POLSBY: What about in foreign affairs? What are we going to do about Kissinger worship?

WICKER: There also has to be "consciousness raising" of the people, the voters, of course.

POLSBY: That's the hardest of all. Start with the way Congress deals with the secretary of state under current conditions . . .

SCHLESINGER: It's coming through though. I think in the first place we should be grateful for the pardon because the pardon destroyed the idea that the presidency had changed an ordinary politician from Michigan into an all-wise ruler like . . . Cinderella after she put on her glass slipper. The point is that we must have not "respect for the presidency," but studied disrespect for the presidency.

WICKER: If we're talking about change as a result of Watergate, I think that quite beyond the press and political figures, there has been one significant change. It is sheer apprehension on my part but I really do believe that the highest edge of mythology of the presidency has been dulled and I think it has been dulled and bloodied for years to come. While it is true that the press has attempted, rather unwittingly, to idolize Ford all over again, I don't think that went over too well with the public and it took this pardon to explode it.

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POLSBY: Moreover, he didn't do anything wrong until the pardon, did he? In fairness . . .

CARALEY: In fairness, his jumping on a trampoline is not exactly page one . . .

POLSBY: Never mind that. The fact is he didn't do anything wrong for a whole month.

PRESSMAN: Which in the light of recent history, makes him a pretty good president.

POLSBY: That's right.

WICKER: I saw a TV film clip about six months ago, after one of the income tax revelations. They were filming in a bar in Grand Rapids. These guys were joking that Nixon is a crook . . . that they pay more taxes than Nixon. I don't think you can do that to a president without its having an impact on the presidency.

McCAUGHEY: I certainly agree with you. And the point you make about the regard for Ford during the first weeks is a function not of the way people are reading the paper but of the way that fifty-year-old night editor is telling his reporter and photographer to go to Alexandria and get him to jump, and the way Ford, a politician for forty years, willingly jumps. Yet those people who came of reading age—children who grew up during the period of Nixon's presidency—will never be able to understand the deference we as teachers and public commentators almost automatically bestow on the president and the presidential office. It is a difficult process; they have been educated in a very different way, and while the night editor may not have changed his tone and Ford won't have changed his tone, there are young people who have been, perhaps, permanently shaped by Watergate.

WICKER: I know my fifteen-year-old son is never going to have the attitude about the presidency that I had when I was twenty-eight or twenty-nine.

CARALEY: Like those of us who grew up when during our whole life the president meant Franklin Roosevelt.

SCHLESINGER: It's all going to come back, too quickly. One saw it coming back under Ford. Thank God for the pardon. I don't know when this instinct appeared . . . it wasn't true in the nineteenth century . . . we didn't have a cult of the president then. It may have something to do with the decay of the political parties. Loyalty in the nineteenth century went to the party more than the personality in the White House.

Watergate and Congress

POLSBY: There's a study by Elmer Cornwell ["Presidential News: The Expanding Public Image," *Journalism Quarterly*, 36 (Summer 1959), 275–283] of news coverage during the twentieth century. It was greatly

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in favor of Congress during the early period and this has been dramatically reversed in recent decades.

PRESSMAN: I would like to pick up on that. So far, our assessment of the imbalance among institutions seems to have been reflected in our discussion, in which Congress has probably received a minute and a half of attention. I wonder if we could turn to that now. Arthur Schlesinger had mentioned the necessity of "consciousness raising" for Congress to live up to what its role ought to be, and I was wondering what ideas people had about the effect of the Watergate experience on Congress and on its future role definition. Is this a brief moment of glory and courage for the Judiciary Committee, to be dissipated in a return to business as usual? Or is Congress going to go through some sort of resurgence?

SCHLESINGER: Nelson, you're the expert on Congress.

POLSBY: I will say I don't know. No, I assume not. I assume that there are very powerful organizational constraints that operate on congressmen which will in fact keep them from fulfilling Arthur's hopes.

PRESSMAN: Could you say what your hopes might be?

SCHLESINGER: I do not think that Congress has necessarily taken the right way to rejuvenate itself. I am skeptical, for example, about all assumptions of a congressional role based on a notion of a unitary congressional policy, such as the new Budget Act. Congress in exceptional situations may act as an institutional unit against an aggressive or unpopular executive but the notion that this is going to be the normal or appropriate role of Congress seems to me wrong. I do not think the Budget Act is going to work miracles nor do I think the War Powers Act will do much to restrain the presidency; quite the opposite, perhaps. Congress is not terribly inhibited in domestic affairs. In fact, it may have in some respects too much power to block the executive. The real place where the presidency has got its momentum is foreign affairs. There Congress has deferred—and wished to defer. It's hard to solve that. Providing better information to Congress isn't the answer. Lack of information is an alibi for the congressmen. Congress can get all the information it needs, one way or another—if it really wants to get that information.

POLSBY: You're absolutely right.

Watergate and Foreign Policy

SHERRY: May I comment on what Arthur Schlesinger has been saying about the relationship between the predominance of the presidency for a long time in foreign policy and its spillover into domestic policy. What has not been sufficiently remarked upon is the fact that, conversely, the weakening of the presidency domestically has had over the past year

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a very substantial spillover into foreign policy. There's a whole list of items which were ongoing problems, on which a policy had been initiated by Nixon and Kissinger in the past four years, and on which in the past year and a half of Watergate the president found himself gradually in a position in which he couldn't deliver. And I am not referring here in any way to the merits or demerits of a particular policy, but simply to the spillover in foreign policy of his domestic problems. He was unable to deliver to the USSR on trade and credit; he was forced into cosmetics during his visit to Moscow in 1974, unlike his visit in 1972 when important and hard agreements were arrived at. Policy with regard to China was impaired in order to maintain Nixon's credibility vis-à-vis his hard-core anti-impeachment one-third in the Senate, the conservative anti-impeachment one-third. He diluted his policy with regard to Peking by appointing, again on account of domestic considerations, a new ambassador to Taipei which infuriated Mao and Chou En-lai. With regard to Japan, he was unable to deliver on plans for joint enterprises in order to develop and exploit natural resources in eastern Siberia in which the Japanese were enormously interested because of their dearth of resources. Also, he was unable to resist protectionist pressures that made it very difficult for him to maintain normal economic relationships with Japan, a matter of vital interest to the Japanese. With regard to Western Europe, Nixon was unable, because of his weakened influence in Congress, to guarantee the maintenance of troop levels. Again I am not talking in favor or against the maintenance of troop levels in Europe. The fact of the matter is, he was unable to guarantee that, as other presidents might have, and as he himself might have been able, only a few years ago, when Watergate had not yet started. On Vietnam, he was unable to get approval of his proposals for increased military and financial support of South Vietnam. Again, I am not talking in favor or against, but this was a part of his policy that he was unable to implement. Cuba, European economic policy problems, there is a host of things which indicate the spillover of his domestic weakening on foreign policies.

POLSBY: Well now look, it seems to me that raises the question of whether in some respects congressional accountability was working. That is to say there are measures short of impeachment which Congress was taking.

SHERRY: Perhaps the impugnment stage, which Charles Hamilton was talking about.

POLSBY: All right, the threat to impeach meant not Congress as a whole surely, but people in Congress were exercising sizable influence over public policy. Now the trouble with that is of the sort your examples indicate: that in Congress they can always do a marvelous job of

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stopping something but the question is whether they can put something together. Clearly not.

SHERRY: Initiate and carry out a foreign policy? Out of the question.

WICKER: I think the question of the inability of the president to deliver on his promises is very important and we ought not to lose sight of it. Because when we talk about the immense power of the presidency, we begin to find that they tend to be policy powers, policy-setting powers, not administrative delivery powers, and the more you talk about them, as Arthur Schlesinger said, the more they tend to enter the foreign-policy area. And we find still further that they tend to come down to the war-making area, the national security area. In a sense these revelations we've been seeing about Chile—that's a form of warfare. But if the president, out of these immense powers, makes a policy and then finds that in the normal, legitimate workings of American government, he's unable to carry that policy out, he's frustrated. Congress won't authorize it, or the money is not there, or whatever it might happen to be—he can't deliver on the policy. Then we've seen time and again that presidents tend to short-circuit the system and put the policy into effect anyway. You can look at Vietnam, the modern history of our involvement in the world since Vietnam—that period of time—and you find that presidents if they don't in fact use totally clandestine methods as in the opening of the war in Cambodia, at least use extraordinarily devious methods as in the Gulf of Tonkin Resolution, and so forth. So I think that the inability of presidents to deliver straightforwardly through the system on the policy promises that they've made is one of the great spurs, you might say, toward the evolution of extraordinary presidential powers. That's why it's so important, I think, that we see in the Nixon impeachment proceedings that they shy away at every point from impeaching Nixon for anything he may have done in the area of foreign policy, national security, or as commander-in-chief. They wanted to find skulduggery of a lesser dimension, that is, in a lesser area, and they did find it and they wanted to impeach him for it. But if the only charge pending had been the secret war in Cambodia, there wouldn't even have been hearings.

PRESSMAN: We seem to have an inescapable problem here. Because what makes it hard for the president to deliver on policy promises is the dispersion of power in the American political system. And if we were to change things so the president could deliver on his promises without short-circuiting the system, that would make the presidency all powerful and lead to an even greater imbalance in the system. So I think we're still faced with a dilemma of wanting both governmental action and representation for a national presidential constituency, and also some limits of accountability on the presidency.

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The Role of the Political Parties

POLSBY: Well then, does it not come down to a problem of the political parties? I must say I'm getting terribly pessimistic about the presidential-selection process because what we are losing—slowly, but at an accelerated rate it seems to me—is the ability of the party organizations to insert a screen which reflects elitist values about candidates. By that I mean simply whether people who know each of the various candidates intimately think that he can do a decent job, or that he's smart enough, or that he has enough character. My view is that more and more this screen has been pulled apart and disintegrated. Thus, we're in for a worse rather than a better time up ahead because of the weakening of the political parties. If Congress can't check or account or adequately oversee the conduct of foreign policy, I believe the political parties could at least insert that kind of a screen into the presidential-selection process, but that's going by the boards now.

SHERRY: Perhaps the parties might perform a function of that kind under optimum conditions, which obviously don't prevail now.

CARALEY: I also think we're in for more trouble. The question I would like to raise is how the Republican party leadership is being held accountable for Watergate.

POLSBY: Why should it be?

CARALEY: By the accession of Ford to the presidency and with his own choice under the Twenty-fifth Amendment of a person who then appeared to be a strong vice-presidential candidate for 1976, the Republican party looked as if it was in better shape to win than ever before. So only a single elective official would have been held responsible and removed from office, but the party leadership who put him there would be escaping injury . . .

POLSBY: I beg your pardon, the party didn't put him there, the electoral college put him there.

CARALEY: Yes, that's technically true. But in fact the party made him one of the two major nominees who had a chance to become president and the party's leaders who were close to him—it's the argument you were just making—and should have protected us, should have protected all the voters—Republicans, Democrats, independents—did not. The party leaders, who it could be argued knew what kind of person Richard Nixon was, did not prevent his nomination, gave him the nomination, and then the people and the electoral college made him president. But that party leadership hasn't been held responsible for this. Only a single individual has been held responsible. And can you have a democratic form of government without some better kind of party accountability? Don't we have to make the party more accountable also because now any partic-

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ular president can serve only two terms in any event, even if they are good ones? Consequently, during the second term, the control that comes from the wish to be reelected vanishes.

POLSBY: No, there's something prior to that. Presidents must be made accountable to their political party and they are not.

SCHLESINGER: Even behind that, we must have political parties which are strong enough to deserve and enforce accountability. But our party system is in a state of crisis—maybe of dissolution.

POLSBY: Well, yes, but you see how the problems are intertwined. The parties are being pulled apart by the presidential nominating process which is being taken from their hands and placed in the hands of small primary electorates which means . . .

SCHLESINGER: In the hands of the people.

POLSBY: The people, yes—small primary electorates manipulated by money and publicity.

SHERRY: Evaluation of the nominating process depends on whose ox is gored. The primary system is a magnificent system when it results, as in the New Hampshire and West Virginia primaries in 1960, in the election of a Kennedy; and it's an appalling process when it results in the nomination of certain other people.

POLSBY: That was the year I was for Humphrey, so I don't happen to agree with you. Kennedy was too reactionary.

PRESSMAN: No wonder you've been against primaries for so long a time.

POLSBY: He was too reactionary for me, but not for Arthur Schlesinger.

SHERRY: But you see my point is that I am anti-institutionalist in this sense—that it is not the institutional structure that matters, it is the nature of the political process. And this political process can operate through primaries as well or as badly as it can operate through political parties, so I don't think it will make all that much difference.

POLSBY: No, I think that's naive.

SCHLESINGER: Look in New York . . . what our alternatives were for the 1974 statewide campaign. We had a large representative state committee that produced a ticket every member of which was repudiated in the primary. Yet by the normal criteria for ticket balance, in terms of geography, race, religion, and sex, the primary system produced a better balance than the state committee.

PRESSMAN: To return to Nelson's point, it seems to me that the whole notion of re-forming an elite screen would be a very difficult proposition right now. In the Democratic party, there is so much issue polarization and style polarization that the party "elite" probably couldn't even co-

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exist in the same room together. And who knows what will happen at the mini-convention in Kansas City?

POLSBY: We're having what V .O. Key suggested to us in his *Southern Politics* [(New York, 1950)]. We're having what in the first place is the destruction of the minority party. It is sort of being handed over to its ideological diehards which in turn leads to the fragmentation . . .

PRESSMAN: Both sets of ideological diehards I might add.

POLSBY: . . . which in turn leads to the fragmentation of the majority party, as people busily search for the minimum winning coalition, and chuck one another out into the cold, thus ending up losing when they shouldn't. Nowhere, it seems to me in the process of so-called democratization are they doing anything about the problem of whether somebody has the character that you need. Now I am not saying that should be the only screen, but it seems to me it should be part of it.

WICKER: When did we ever have that screen?

POLSBY: I think one consequence of a smoke-filled room is that every once in a while—they don't need to surely—but every once in a while somebody can at least say this man can't do the job, and prevail.

SHERRY: Nobody said that about Harding . . .

POLSBY: I quite agree with you; they didn't with respect to Harding, but they could have said it. I don't know how you can say it when nobody at the point of decision making knows these people and all they get are in effect, manipulated images and name recognition.

HAMILTON: Well this is on the party system, but to get back to Jim Caraley's point . . . are you suggesting that the Republican party should have been held accountable for Watergate?

CARALEY: I'm suggesting that that party's leadership chose a presidential nominee whose track record clearly indicated to many people his capacity to engage in the Watergate kind of activity. Nevertheless the party leadership put him up as their nominee, twice, and I think the argument can be made by those who believe that popular control requires party accountability, that the Republican leadership should not be permitted—either by the Republican rank-and-file or by all the voters—totally to escape responsibility.

SHERRY: But whatever the track record may have been, Nixon was nominated among other reasons because people felt he was going to pursue a policy—not so much in foreign affairs because this was as yet an unknown quality, Kissinger had not yet entered the picture—but with regard to domestic affairs, with regard to economic matters and social policy, which they favored. Even though they knew there were questions raised, and perhaps legitimate ones, about his character, about his morality, and so on and so forth . . . they were confident that he would

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pursue the economic and other domestic policies which they wanted followed at the top and would do so effectively. For them this was more important than doubts about his character.

CARALEY: Well Machiavelli a long time ago explained about political leaders in *The Prince*. He wrote that the many can see only "what you appear to be" whereas the few can "feel what you are." In terms of presidential nominations, only the few who constitute the party leadership can "feel" what a candidate is really like and therefore can perform the "screen" function and if those few don't protect us from unsuitable candidates, I don't think there is anyone left to protect us at all. And I mean this to apply to both parties.

POLSBY: Not that they do protect us often, but the point is the difference between what is possible and what is impossible is what we've gotten to, not the difference between what used to be more or less probable.

CARALEY: Suppose I advance this proposition . . . that there is a group to which a president is accountable for his conduct and tenure and that this group consists of the leading members of his party in Congress. When they turn against him, as the Democratic senators turned against Johnson and as finally the Republicans in the House and the Senate turned against Nixon, the president is in trouble and has to change his course of action.

POLSBY: Well clearly that's true because of the threat of impeachment. They are entitled to impeach and therefore when they turn against him in a very serious way which is not merely a matter of policy disagreement, then of course he's in trouble.

CARALEY: But it's more than just impeachment. Impeachment was never considered in terms of Johnson. It's a question of the president not having their voting support for his legislative initiatives or vetoes. It's also a question of not being able to count on them to obstruct hearings or special investigations aimed at shaping antipresidential public opinion.

The Pardon

MASON: May I interrupt a minute? I have to leave but before I go I would like to have one question cleared up that Arthur Schlesinger raised in my mind. As I understand it, he said he thought the pardon served a very good purpose. Did you say that?

SCHLESINGER: I did. I'm not sure it outweighs the harm it has done. But it has its silver lining in halting for a moment the rush to return to president-worship.

MASON: I want to address myself to the cost. What was the cost that President Ford had to pay and the country had to pay for the advantage

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that you see in dispelling the euphoria surrounding the man in the White House? It seems to me the cost was very great. In the first place he pardoned a man who was almost certain to be impeached. The one exception to the president's power to pardon has to do with impeachment. I say that President Ford, at least, violated the spirit of that provision of the Constitution. But that's not all. Under the impeachment clause the president having been impeached is subject to the judicial process. Well, he short-circuited that too. He played rather fast and loose not with one provision of the Constitution but with two. And in so doing it seems to me he skirted the first article in the impeachment of President Nixon—that is, he obstructed justice. Ford, like Nixon, ignored the truth Brandeis highlighted in 1917: "Our government is the potent, the omnipresent teacher. For good or evil it teaches by example."

SCHLESINGER: I think you can make a case. Perhaps Ford should resign and then whoever is vice-president, upon succession to the presidency, could pardon him!

McCAUGHEY: It has struck me during most of the evening, and Alpheus Mason's point now brought it up, that the specter about the imperial presidency is not dead, at least down at the Wicker-Schlesinger end of the table. Alpheus' remarks about the Court suggest that the imperial presidency could come back stronger and fiercer shortly. You find a silver lining in the pardon because it pricks the balloon that, from both your views, seemed to fill up again with the same kind of hot air that the press had been generally inclined to blow in the direction of the White House. But Alpheus' point seems to be more telling . . . if what we would like is a strong president but one somehow desanctified. . .

SCHLESINGER: Within the Constitution.

McCAUGHEY: Within the Constitution. The imperial president which I take to mean one functioning "without," or outside of, the Constitution, has to be slain somehow, or brought back "within," but let's use the more mortal term. I think as Alpheus points out the imperial president that we're talking about in some ways has not been dealt a fatal blow. Congress will not make a move against Nixon now. The courts are not running out the executive. The crucial act concerning Nixon has already happened, and it happened because our presiding president acted in a way to preclude the acts of the other two branches. It seems to me the ball game is still within the White House. I mean we haven't done in the imperial president.

Watergate and the Power of the Bureaucracies

WICKER: I think that's a well-taken point coming out of the previous remarks, and it goes in other directions too. What part is played here by

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the bureaucracy in having a strong president representing its interests against Congress?

SCHLESINGER: A strong president doesn't represent his bureaucracies.

WICKER: Well, does he or doesn't he?

SCHLESINGER: Nixon did not represent his bureaucracies. A strong president represents the presidency which is a fourth branch of government, often against the interests of the permanent government—the people who stay in place while presidents and their appointees come and go.

WICKER: Here is Ford sending messages to Congress yesterday and today—they are very low down in the news play, but there they are—his legislative priorities of foreign aid and so forth. The language hasn't changed a bit. Now Ford didn't know anything about these things. In the general sense, it's not the kind of thing that he would have said to the legislature. He is sending along bureaucratic messages coming right out of the foreign-aid bureaucracy.

PRESSMAN: I think one gainer from all this may be—and will continue to be—the bureaucracy. The recommendations of the transition committee to decrease the role of OMB and increase the role of departments is, I am sure, good news for the bureaucracy. And if we're talking about permanent opponents of the presidency, we might rank the bureaucracy ahead of the press and Congress. Bureaucrats seemed to be doing quite well for themselves in the waning years of the Nixon presidency, in terms of following their own preferred patterns of behavior with their own clientele groups. And they got very little bother from people in the White House, who were worried about other things.

CARALEY: I think that is an excellent point—that we all tended to approve the president's dismantling of the OMB supervisory machinery. Normally people like ourselves would take the antibureaucrat point of view. But here it was the president's instruments for trying to deal with an unresponsive bureaucracy that was being dissolved, and we applauded.

PRESSMAN: It's sort of ironic that liberals, who have traditionally been worried about how to make disparate parts of government responsible to presidential will, are now moving in the opposite direction. When the transition committee told President Ford that he ought to downgrade OMB and let the cabinet departments go their own way, liberals said that it was a great idea, it prevents overcentralization, and so forth. But they've been profoundly against that in the past.

POLSBY: Well I think there are some good reasons other than happenstance for people to take that view. One of them is that it was not true

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when the earlier view was fashionable as it is now that a lot of the interests that liberals wanted to see gratified have been built into the bureaucracies.

SCHLESINGER: That's true.

POLSBY: Looking at the federal bureaucracy as a whole, then, the interests that a lot of us care about are getting greater support from them than was the case earlier.

SCHLESINGER: There was no claimant interest group for environment in the old days and therefore the president had to fight for it. Now these things are bureaucratized.

POLSBY: Urban development, transportation, HEW has the biggest budget . . . so I think there is some reason in it. Second, I think it is true whether liberals like it or not that bureaucracies embody certain patterns which are not altogether evil anyway. They embody expertise, they embody alliances with interest groups that have some legitimacy in the society, they embody alliances with Congress which is in turn a body that is entitled to have an imprint on public policy.

PRESSMAN: Besides which, and not unimportantly, most of the bureaucrats are liberal Democrats, as President Nixon understood.

POLSBY: I don't know if most of them are, but I think the general law is that whoever sets up the agency, staffs it, and gives it its mission in effect freezes the general character and composition of the people that run the agency from then on out, and of course mostly liberal Democrats did this.

PRESSMAN: That's right, and there are a number of reasons why liberal Democratic interests might be represented in a bureaucracy. One is that people who want to see more government intervention create a bureaucracy to do that. And, once they have been created, even someone without that ideological predisposition will pursue those goals just to advance his own organizational interests.

POLSBY: Right. Moreover, there are bureaucratic norms involved in resistance to illegal acts which we've just gone through, and in some of our least favorite agencies, I suppose—FBI and Internal Revenue Service. That means that bureaucratic norms of resistance to politically inspired illegality take on a glow.

CARALEY: They take on a positive function.

Conclusions

CARALEY: Perhaps at this point we should go around the table and in the way of trying to sum up, each of us should give what he thinks is the single most important lasting impact that Watergate and the forced res-

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ignation will have on our entire political and constitutional system. I don't know if that's possible, but it would be a good way to bring the discussion to a close.

SCHLESINGER: Perhaps we should consider putting it this way: To what extent is the impact of events sufficient in itself; or will we need constitutional or structural changes of some significance if the impact is to last?

HAMILTON: I don't think it will be on the level of a major structural change in the sense that we think of developing or establishing new institutions. But it is very clear to me that there is going to be a rather substantial interest as a result of the Watergate phenomenon in trying to devise new ways to finance our campaigns, particularly at the national level. Whether this takes the form of some sort of public financing of campaigns or whatever that should be, could well be a major spinoff of the Watergate phenomenon.

CARALEY: Anybody else ready?

WICKER: I'll just expand a little bit. I really don't believe you can consider Watergate quite in isolation, but if you take Watergate and Vietnam and Nixon and Johnson—granted even the good things you can perhaps say about Johnson or Nixon or Vietnam—if you take all of that together I think there is a very important consequence the end of which we can't forsee. That is just the sort of thing we're doing here tonight. For the first time in my life really, people are willing to call into question the most cherished institution of our government—the presidency and the way it works—and to raise questions about them . . . to ask what are we going to do? Do we need reform? Should we change the Constitution in fundamental ways? I think that's very important . . . it's a kind of self-questioning process that I think in the late fifties and early sixties this nation simply wasn't undergoing. We had arrived at a point and seemed fixed in time. So I think that self-questioning mood is a major consequence of Watergate and could be very important—which is not to say that it will be.

McCAUGHEY: I can follow Tom in that sense. I think the self-questioning process is well underway and it strikes me, perhaps because I remain an unreconstructed strong president man, that the dangers which have been very pointedly expressed about the strong imperial presidency have essentially been made in the area of foreign affairs. Our problems on the near horizon, however, are not likely to be in foreign affairs but in domestic matters. They are likely to relate to the economy and to take the form of some kind of belt-tightening and it seems to me that such an undertaking, if it is to be equitable, calls for the kind of leadership that can probably only come from the White House and only from a White

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House filled with a good deal of mythology. We must actually believe Ford is tightening his belt too. If we have slain the kind of myths that we all once attached to the presidency we may have done so at a very dangerous time in our national history. I have some fear about the capacity of this country and this government to handle domestic problems which are likely to be first on our agenda. We certainly learned now the dangers of having that kind of president deal with foreign affairs such as Southeast Asia of the sixties. In dealing with that and perhaps preventing that from happening again we may have rendered ourselves less able to deal with the domestic problems that there will be no skirting in the next few years.

PRESSMAN: I hope that the whole experience will be important in setting limits, albeit very broad ones, as to what a president can do. I don't think that the formal structural changes that come out of it will be as important as the revived notions of political legitimacy that Nelson Polsby was talking about—the informal understandings of what people are supposed to do and not supposed to do in the American political system. Also, Congress may now be able to use its impeachment weapon at least as a very strong bargaining tool. I feel that this experience has taken some of the onus off the idea of impeachment that had grown out of the Andrew Johnson case. Of course, Watergate may also have some negative effects in terms of making people leery, perhaps too leery, of government intervention in a whole range of areas. Since that intervention is often to help people who don't have resources, that could pose serious problems for the disadvantaged.

SHERRY: I agree with everything that has been said by the preceding speakers and this I'm afraid brings me back, since the question was put in a very specific way, to a remark which I've already made: namely, that you have the element of limitation of the presidency and the concept of accountability which has been introduced or reintroduced into the American system in a very pronounced way. After all, we've had two presidents in a row who, in effect, have been forced out of office and while it may be exaggerated to say that this introduces a European element of parliamentary responsibility into the American system, there may even be something to that. Now as far as the field of foreign policy is concerned, I do not believe that the implications are very far reaching; the important implications, as you have said, will remain in the field of domestic policy. I mentioned that Nixon's domestic difficulty spilled over into the foreign-policy field and impaired his ability to deliver on various commitments and promises, diminishing his credibility and forcing him into some dubious tactics because he desperately needed "successes." But the chances are that once this is over and done with, the

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country's foreign policy, the courses of action which will be open to the American government will be determined by the dynamics of world politics in a manner which will not take Watergate into account. The options that are available in foreign policy are not, after all, directly affected by a development such as Watergate, but by events abroad and by the kind of long-term global problems that now preoccupy the United Nations.

POLSBY: I guess that my view is that norms of continuous political accountability have been strengthened by the Watergate experience. Future presidents have been invited in the most imperative terms to participate in the practice of politics and the politics of governing rather than to see in their elections a mandate which carries them around the necessity of being political leaders. I think, however, that the pardon has made much more difficult the problem of achieving public enlightenment and education on precisely what the norms were that were transgressed and how they were transgressed. Therefore I continue, I must say, in my pessimism about the capacity for large masses of people to see clearly what it is that's going on in their government and thereby to achieve the possibility of popular control.

SCHLESINGER: Well, I think Watergate represents a quite dramatic revival of the system of accountability. Foreign comment on it—the mixture of wonder and envy with which other nations look upon what has happened in the United States—is really extraordinary and touching. The idea that the people of a country can rise against the abuse of power by their rulers is a marvelously attractive idea around the world. Many people will regard it as the exemplification of what ultimately democracy ought to be. Its effect might be even stronger abroad than it is at home. I agree that the pardon complicates the lessons to be derived from it; and on balance, in spite of some useful side effects from the pardon, it would obviously have been much better had it never been made. On the other hand, I do think that, even in spite of the pardon, enough has come out to prevent Nixon from mistaking San Clemente for Elba or his successors from supposing that the pardon repeals the lessons of Watergate. In fact, I think it's possible that Congress may be sufficiently exasperated to devise means of getting more of the story on the record.

How you sustain the lessons of Watergate, I'm not absolutely clear. But I do think that an essential part of it is to continue the process of the secularization of the presidency. I'm still not clear in my own mind as to when we fell into this notion of the president as a superior being requiring reverence and awe. One recalls in Dicken's *American Notes* his description of visiting President Tyler in the White House. People wandered in and out. They were irritated if they didn't get an immediate audience. The president had no staff and no office except a room in his resi-

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dence. Even in our own time, FDR was supposed to be such an imperial president. But he was readily accessible to his staff. He held cabinet meetings twice a week. He held press conferences twice a week. Members of Congress could get appointments to see him rather quickly. Much of this persisted even during the war. Truman was fairly accessible.

POLSBY: Henry Fairlie [in *The Kennedy Promise* (New York, 1973)] dates this from JFK. Do you agree?

SCHLESINGER: I would disagree on that. Kennedy was perfectly accessible to his staff, his cabinet, members of Congress, even the press.

POLSBY: I'm not talking about accessibility now, but secularization and deification.

WICKER: I think it began with Roosevelt.

SCHLESINGER: President-worship may have begun with Roosevelt, but Roosevelt's practices were not those of a man who regarded himself as properly an object of semireligious veneration.

POLSBY: I think it was accelerated seriously by the Kennedy presidency.

SCHLESINGER: It was stimulated in the Eisenhower years. Eisenhower was widely perceived as a man above the battle and therefore exempt from secular criticism. I think that in all these cases sacrosanctity was more imposed on presidents than contrived by them.

WICKER: I think it was seriously accelerated by nuclear weapons . . . the image of the man who could press the button.

POLSBY: There was a lot of contrivance and it can be set at James Hagerty's door and that was continued and systematically exploited, I think brilliantly, during the Kennedy administration. In essence Henry Fairlie is right about Kennedy, but wrong about Eisenhower, in that he doesn't see that it was going on in the Eisenhower period.

WICKER: I think he's wrong in attributing it to personality. Granted, you have personalities that made important differences. You had four or five extraordinarily impressive personalities, all different: Roosevelt, Truman, Eisenhower, Kennedy, and Johnson. Nevertheless, I think what was happening in that period of time had nothing to do with who they were. Much more important, the average living American never even saw a commander-in-chief before Franklin Roosevelt. Woodrow Wilson didn't play that role or try to. With FDR you had the image of the commander-in-chief in his black cape, at Yalta and all that, and Roosevelt's personality which made the role matter more. Then you had nuclear weapons, you had television, and you have the whole development of the new hat the president wears as the manager of the economy. None of that is merely personality and yet it developed a deification.

POLSBY: I'm not attributing it to personality, but rather to the very

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skillful exploitation of the resources of the office by a politician more and more fixated on bypassing the ordinary political processes and appealing directly to the masses and the press.

WICKER: No question it was exploited, but you've got to have something to exploit.

POLSBY: Granted, and it was there. Nevertheless, it seems to me that that's the mechanism—the one I described.

SCHLESINGER: But none of these presidents really did that particularly. We used to complain in the White House that Kennedy did not make more of an effort to appeal to the people.

POLSBY: You mean all that charisma was overrated?

SCHLESINGER: He shied away from TV. He was always afraid of becoming a bore. I felt at the time that he was intimidated by the narrowness of the margin in 1960. He didn't go out and make great appeals. The charisma is really something of a memory of him. That isn't something that he himself made.

SHERRY: What charisma? Kennedy kept getting clobbered in Congress on most issues. It was only after his death that much of his legislative program was enacted.

POLSBY: I'd like to ask Arthur, just as a point of information, who tells people when they arrive in the White House to call the president "Mr. President"? Men who have been calling him "Jack." Where does that start? Does it just happen? It's a dreadful habit.

SCHLESINGER: In England, for example, they call him "Prime Minister" in meetings; they call him just "Harold" or "Ted" informally. That's what we ought to do. I agree with that.

WICKER: And you know it's all "Hail to the Chief" and everything is pretty impressive. While I don't think it's necessarily true, there's that great story in one of Eisenhower's books. He said what seemed to impress young Mr. Kennedy most was the time when "I reached under the desk and pressed a button and a helicopter landed on the White House lawn."

SCHLESINGER: To complete my point, that is, how you strengthen the movement toward the secularization of the presidency: I think this imposes a particular burden on those who have any role in forming opinion. And I would say that historians, political scientists, and journalists have been guilty in the past of contributing to the presidential mystique. I'm not sure that our self-restraint will have great effect in the ultimate balance of things. But what all of us can do is to remind the world that any president is only a politician luckier than the rest, and that making it to what Disraeli called the top of the greasy pole does not transform his character or increase his wisdom or make him a being beyond our concern or control. The most noxious of all of Nixon's phrases was that idiot

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phrase about respect for the presidency. So far as I know, no previous president had ever used it.

SHERRY: Well, you only use a phrase like that if you haven't got it.

SCHLESINGER: We must reject the notion that a president is entitled to any more respect than his words and actions earn him. He's entitled to courtesy, like every other American citizen, but not to worship. Indeed, because of his power, you can make the opposite argument that he deserves more disrespect than anyone else. I think all presidents should hang over their desks Lord Acton's great statement, "There is no more heresy than that the office sanctifies the holder of it."

CARALEY: I think there is another modest way of helping the secularization of the presidency and the strengthening of mechanisms of accountability. That is to demand of all federal judges and especially of all members of Congress when they get appointed or elected and before they draw their first paycheck that they reread or read for the first time *Federalist No. 51*. That essay has all the advice they need:

> . . . the great security against a gradual concentration of the several powers in the same department, consists in giving to those who administer each department the necessary constitutional means and personal motives to resist encroachments of the others. . . . Ambition must be made to counteract ambition.

Because for a long time they weren't ambitious enough in Congress, were they? It seems to me that members of Congress were simply not ambitious enough to protect their own constitutionally given prerogatives. In my judgment they tolerated presidential encroachments for decades, and by so tolerating them, implicitly invited further ones. Whether members of Congress should be disrespectful to the president or just watch him like a hawk and be completely and immediately intolerant of any attempts on his part to overstep constitutional bounds, I don't know . . .

SCHLESINGER: Presidents regard that as disrespect. . . .

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The Supreme Court and School Desegregation: Twenty Years Later

HARRELL R. RODGERS, JR.

Since 1954 school desegregation has been the focus of perhaps more litigation, legislation, administrative action, rhetoric, and controversy than all other areas of civil rights combined. Yet, by all signs, the struggle to desegregate schools has only begun. The struggle will continue because progress in school desegregation has been limited and because difficult questions and problems raised by school segregation in metropolitan areas and in northern school districts are beginning to be dealt with only now.

This article has a single thesis: that school desegregation can be achieved in all American communities and that successful school desegregation will ultimately have positive consequences for American society. In an effort to establish the validity of this thesis, this article will (1) review the progress of school desegregation to identify the areas in which this conflict must expand in the future if full school desegregation is to be achieved; (2) identify the factors that have limited progress to suggest the obstacles which must be overcome if progress is to continue; and (3) assess the current standards of the Supreme Court on school desegregation and speculate on the implications of these standards for achieving further desegregation in both southern and northern districts.

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Progress toward Desegregation

The starting point for school desegregation was the 1954 decision of the Supreme Court in *Brown* v. *Board of Education*.[1] In *Brown*, the Court ruled that dual school systems were inherently unequal and therefore unconstitutional. It ordered southern school boards to dismantle the dual system "with all deliberate speed." Resistance was ubiquitous. Governors denounced the decision, state legislators subverted it, school boards ignored it, United States district courts frequently refused to enforce it, and President Eisenhower pleaded innocence and ignorance in the whole matter.[2] Understandably, therefore, progress was slow, almost unusual. Ten years after *Brown* seven of the eleven southern states had not placed even 1 percent of their black students into integrated schools.[3] As late as fifteen years after the decision, only one of every six black students in the South attended a desegregated school.[4]

The first signs of real progress in school desegregation were not evident until the 1966–1967 school year; in that year 12.5 percent of all black students in the eleven southern states attended schools with whites.[5] A breakthrough in the stalemate over school desegregation was made possible by the 1964 Civil Rights Act. Title VI of this act provided that federal funds could be terminated in school districts that refused to desegregate, and the attorney general was given authority to file suit against recalcitrant districts. The Office for Civil Rights (OCR) in the Department of Health, Education and Welfare (HEW) was given responsibility for enforcing Title VI. The OCR formulated guidelines for desegregation and began to put pressure on those districts that failed to comply. As the guidelines were made sharper and the pressure on districts became more intense, progress began in earnest. In the 1967–1968 school year 18.4 percent of all black students in the eleven southern states

[1] 347 U. S. 483 (1954). Until 1954, seventeen states and the District of Columbia required racial segregation in public schools. Four other states permitted school districts to opt for segregation without requiring it statewide.

[2] See Jack W. Peltason, *Fifty-Eight Lonely Men: Southern Federal Judges and School Desegregation* (New York, 1961); Benjamin Muse, *Ten Years of Prelude: The Story of Integration Since the Supreme Court's 1954 Decision* (New York, 1964), and Harrell R. Rodgers and Charles S. Bullock, III, *Law and Social Change: Civil Rights Laws and Their Consequences* (New York, 1972), pp. 69–111.

[3] See Thomas R. Dye (ed.), *American Public Policy Documents and Essays* (Columbus, Ohio, 1969), pp. 18–19.

[4] *Federal Enforcement of School Desegregation*, Report of the United States Commission on Civil Rights, September 11, 1969, p. 4. The U.S. Commission on Civil Rights, like the Department of Health, Education and Welfare, defines a desegregated school as a majority-white school with racial mixing.

[5] *Revolution in Civil Rights* (Washington, 1968), p. 93. These figures indicate how many black students were attending schools with whites, not how many were attending majority-white schools.

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attended majority-white schools—triple the number in the 1965–1966 school year.[6] During the next two years school desegregation doubled in the southern states (see Table 1). In the 1969–1970 school year 39.4 percent of southern blacks attended majority-white schools. During the next two years progress slowed considerably, with only a 5 percent increase over the 1969–1970 school year—44.4 percent. Northern and western states lagged behind the South; in the 1971–1972 school year only 29.1 percent of black students in these areas attended majority-white schools.

Table 1 allows us to assess the progress of school desegregation. It is clear that some very substantial gains have been made since 1963, especially in the South. In 1968, 78.8 percent of southern black students attended schools that were 80 to 100 percent black. By 1972 this figure had dropped to 31.6 percent. Moreover in 1972 only 9.2 percent of southern blacks attended 100 percent minority schools, compared to 68 percent in 1968. These are important and dramatic changes, but progress may be more substantial than HEW's figures (based on the number of black students in majority-white schools) indicate. Since many school districts in the South are majority black, it would be impossible for schools in these districts to become predominantly white once they are integrated. In fact, the more desegregation occurs in these districts, the fewer black students there will be in majority-white schools. If these largely black districts were considered, progress might be shown as having increased by another 8 to 10 percent. Also if the data were divided on an urban-rural basis, we would see much greater compliance in rural areas where the logistics of desegregation are less severe.

Although much remains to be done, considerable progress in school desegregation has been achieved in the South. Nationwide, however, progress has been minimal. In both rural and urban areas of the North and West school segregation is pervasive. A 1972 study revealed the extensiveness of segregation nationwide:

> 5.9 million out of 9.3 million minority-group students, or more than 60 percent, still attend predominantly minority-group schools. At the same time 72 percent of the nation's nonminority-group students attend schools which are at least 90 percent nonminority. Four million minority-group students attend schools which are 80 percent or more minority, and 2 million are in classes which are 99–100 percent minority.[7]

Thus, substantial problems remain in the area of school desegregation, the most serious of which involve the North and West, and metropolitan areas in all regions of the United States.

[6] U. S. Department of Health, Education and Welfare, "Staff Report," January 4, 1970, p. 1 (mimeo.).

[7] *Toward Equal Educational Opportunity*, The Report of the Select Committee on Equal Education Opportunity, United States Senate (Washington, 1972), p. 11.

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TABLE 1

Fall 1972 Projections of Public School Black Enrollment Compared with Final Fall 1968 and 1970 Data

Geographic Area	Black Pupils Attending Schools which Are: 0–49.9% Minority Number	%	80–100% Minority Number	%	100% Minority Number	%	Total Pupils	Black Pupils Number	%
Continental U.S.									
1968	1,467,291	23.4	4,274,461	68.0	2,493,398	39.7	43,353,568	6,282,173	14.5
1970	2,223,506	33.1	3,311,372	49.4	941,111	14.0	44,877,547	6,707,411	14.9
1972 (est.)	2,446,239	36.8	2,953,991	44.5	721,757	10.9	44,485,568	6,641,343	14.9
(1) 32 North and West									
1968	746,030	27.6	1,550,440	57.4	332,408	12.3	28,579,766	2,703,056	9.5
1970	793,979	27.5	1,665,926	57.6	343,629	11.9	29,451,976	2,899,858	9.8
1972 (est.)	822,480	29.1	1,581,871	55.9	284,273	10.0	28,970,304	2,831,080	9.8
(2) 11 South									
1968	540,692	18.4	2,317,850	78.8	2,000,486	68.0	11,043,485	2,942,960	26.6
1970	1,230,868	39.1	1,241,050	39.4	443,073	14.1	11,570,351	3,150,192	27.2
1972 (est.)	1,405,435	44.4	1,001,211	31.6	289,638	9.2	11,601,027	3,165,229	27.3
(3) 6 Border and D.C.									
1968	180,569	28.4	406,171	63.8	160,504	25.2	3,730,317	636,157	17.1
1970	198,659	29.8	404,396	60.6	154,409	23.1	3,855,221	667,362	17.3
1972 (est.)	218,323	33.8	370,909	57.5	147,844	22.9	3,914,255	645,034	16.5

(1) Alaska, Ariz., Calif., Colo., Conn., Idaho, Ill., Ind., Iowa, Kans., Maine, Mass., Mich., Minn., Mont., Nebr., Nev., N. H., N. J., N. Mex., N. Y., N. Dak., Ohio, Oreg., Pa., R. I., S. Dak., Utah, Vt., Wash., Wis., Wyo.

(2) Ala., Ark., Fla., Ga., La., Miss., N. C., S. C., Tenn., Tex., Va.

(3) Del., D. C., Ky., Md., Mo., Okla., W. Va.

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Past Obstacles to Desegregation

A host of factors are responsible for the slow rate of progress in school desegregation.[8] To start with, from the beginning southern officials had no intention of obeying the *Brown* ruling unless they were forced to do so. The decision played into the hands of southern officials because it was ambiguous to the point of not placing school districts under any real obligation. In arguing the *Brown* case on behalf of the NAACP, Thurgood Marshall asked the Court to establish specific deadlines for the start of school desegregation.[9] Hindsight reveals that the Supreme Court made a serious mistake in ignoring Marshall's plea.

In *Brown* the Supreme Court directed the district courts to ensure that communities in their jurisdiction make a "good faith start" toward school desegregation. However, southern judges were little inclined to take on this obligation. Most federal judges in the South were native southerners and knew only too well that they would be ostracized in their own communities if they enforced the law; and some of the judges disagreed with the decision.[10] Generally, therefore, the Supreme Court was abandoned by the lower courts, which ignored the Court's ruling.

The Supreme Court became completely isolated when the Congress and President Eisenhower refused to endorse or systematically back up the decision. As a result, school boards were under almost no real legal or political pressure to desegregate. Southern blacks were themselves reluctant to pressure local officials for compliance. In many communities if blacks pressured local officials they risked physical violence or economic coercion. When private pressure failed, most southern blacks could not afford to hire an attorney to press their case.

The passage of the 1964 Civil Rights Act signaled a number of important changes. First, the act constituted strong backing by Congress of civil rights goals. Acts had been passed in 1957 and 1960 but they were weak, largely symbolic, and focused primarily on voting rights. Although the 1964 act failed to provide strong enforcement mechanisms for some civil rights, it put Congress firmly behind the principle of school desegregation. The act also allowed a much more systematic attack on school desegregation, since a case-law strategy could be abandoned by civil rights forces for more uniform standards to be applied by HEW. With this new law, and a president, Lyndon B. Johnson, who supported the goal of school desegregation, real progress seemed imminent.

The first guidelines generated by HEW (in the school year 1965–1966) reflected a gradual approach by requiring that all school districts

[8] This topic is extensively dealt with in the three works cited in footnote 2.

[9] Peltason, *Fifty-Eight Lonely Men*, p. 15.

[10] Ibid., passim.

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make a "good faith start" toward desegregation. This was interpreted by HEW to mean that districts were required to integrate "the first and any other lower grade, the first and last high school grades, and the lowest of junior high where schools were so organized."[11] Despite the fact that the guidelines were timidly enforced and contained obvious loopholes, some progress resulted. HEW allowed school districts to use any of three methods of compliance: (1) Execution of an Assurance of Compliance form, stipulating that race, color, and national origin were not factors in student assignment, reassignment, or transfer; and faculty and staff were not segregated; that the facilities, activities, and services of the school system were not segregated; and that no other vestige of segregation remained. (2) Submission of a final desegregation order by a federal court, together with a statement from the school district of its willingness to comply and a progress report. (3) Submission of a desegregation plan approved by the United States commissioner of education. This plan would have to specify that the school system had designed a workable desegregation program.

Many school districts submitted voluntary plans and then backed away from them at the last moment. Other districts voluntarily submitted to court orders whose requirements were considerably weaker than HEW's standards.[12] If a district was judged dilatory by HEW, the procedure for cutting off federal funds was long and torturous; it included an appeals procedure that allowed a district to continue to receive federal funds for six to twelve months after being judged noncompliant by HEW field officers. Nevertheless, federal funds to several hundred districts were cut off between 1967 and 1969.

Perhaps the greatest weakness of the HEW guidelines was that "freedom of choice" was considered an acceptable approach to school desegregation. Under freeom of choice, any black who dared was "free" to attend a white school. The U. S. Commission on Civil Rights documented many violent acts by whites reminding blacks that they had better not dare.[13] In 1968 the Supreme Court ruled that desegregation plans that relied on freedom of choice could not be used if any other method would more quickly achieve desegregation.[14] Inasmuch as freedom of choice has never been known to produce any real integration, the decision in effect overruled its use. Still, many school districts managed to avoid making progress for another year while it was being "proven" that freedom of choice did not work in their community.

[11] *Revolution in Civil Rights*, p. 92.

[12] This series of events is best covered and documented in *Federal Enforcement of School Desegregation*, passim.

[13] Ibid., pp. 21–22.

[14] 391 U. S. 430.

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Just as the momentum of compliance with HEW guidelines was building up, Richard Nixon was elected president.[15] During his 1968 campaign Nixon made it "perfectly clear" that his support for civil rights was weak, and that he favored neighborhood schools and opposed busing to achieve desegregation. During the campaign Senator Strom Thurmond and other prominent segregationists stumped the South spreading the word that Nixon, if elected, would take the heat off school desegregation.

Nonetheless, retreat did not immediately follow the election. Nixon's secretary of HEW, Robert Finch, and the director of the Office for Civil Rights, Leon Panetta (who was appointed by Finch), were liberal Republicans who felt obligated to enforce the law. Although southerners felt betrayed by Nixon's campaign pledges to take the pressure off school desegregation, Finch and Panetta were able to pursue desegregation efforts for some fourteen months. During this period, however, southern politicians and Congressmen put considerable pressure on the White House for relief. This pressure was transmitted constantly from the White House to the OCR; as a result, the earnest but beleaguered Panetta lost a number of battles to enforce the law.[16] During this period the White House persisted in making statements about deemphasizing school desegregation, while Panetta continued to show by actions and words that he had no intention of doing so. The result was considerable confusion over the direction the administration would take; many school districts abandoned desegregation plans in the anticipation that a federal retreat was just around the corner.

After fourteen months, Panetta was fired by Nixon, Finch later resigned, and the retreat on civil rights began.[17] After the departure of Panetta, the administration would probably have brought progress to a halt had the Supreme Court not overruled some compromise maneuvers by HEW (see the section "Current Supreme Court Standards"), thus holding HEW to the obligations of the law. Still, under the newest secretary of HEW (Casper Weinberg) the administration began a "spirit of cooperation rather than coercion" in enforcing civil rights laws. The result was a mere 5 percent increase in desegregation between 1970–1972 in the eleven southern states, a 4 percent increase in the six southern border states and the District of Columbia, and a mere 1.6 percent increase in the thirty-two northern and western states. Obviously in the area of school desegregation, cooperation is a poor substitute for coercion.

What the past tells us about accomplishing school desegregation is

[15] On this section see Rodgers and Bullock, *Law and Social Change*, pp. 88–97.

[16] See Leon Panetta and Peter Gall, *Bring Us Together: The Nixon Team and the Civil Rights Retreat* (New York, 1971), passim.

[17] Ibid., pp. 350–367.

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fairly obvious: (1) School officials, especially but not exclusively in the South, will normally obey civil rights laws only under coercion. (2) Legal standards for school desegregation must be unambiguous and forceful. (3) Greater progress is achieved if the three branches of the federal government are reasonably unified and uncompromising in their approach to desegregation. (4) The burden for achieving school desegregation must rest with school officials, not with black citizens and their children. (5) The executive branch may have to be prodded and carefully supervised by the federal courts if significant progress is to be made.

Current Supreme Court Standards: Implications for Completing Desegregation in the South

As noted, the *Brown* case was the catalyst for little change in school desegregation for some ten years. By 1964 the Supreme Court was beginning to show displeasure with the slow progress of desegregation. In *Griffin* v. *County Board*[18] the Supreme Court noted the long history of dilatory and unlawful behavior of southern officials in avoiding their obligation under *Brown* and concluded that the standard of "all deliberate speed" never contemplated an infinite number of delaying tactics to defeat desegregation.[19]

Progress continued to lag, however, and in 1968 the Supreme Court became specific about the obligations of southern school districts. In *Green* v. *New Kent County School Board* the Supreme Court ruled against the use of nonproductive "freedom of choice" plans; school boards were obligated to "come forward with a plan that promises realistically to work . . . now . . . until it is clear that state imposed segregation has been completely removed."[20] School boards were charged with the responsibility of taking whatever steps were necessary "to convert to a unitary school system in which racial discrimination would be eliminated root and branch."[21]

The *Green* decision was extremely important because it set a much more explicit standard and made it clear that school boards were responsible for undoing the consequences of their past actions. Equally important was the case of *Alexander* v. *Holmes County Board of Education* in 1969 which removed any doubt about the time-frame within which school boards were required to make significant progress. The suit challenged

[18] 377 U. S. 218.
[19] *Watson* v. *City of Memphis*, 373 U. S. 526 (1964).
[20] 391 U. S. 430.
[21] 391 U. S. 438.

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an attempt by HEW to grant thirty-three dilatory school districts in Mississippi a one-year delay in implementing desegregation plans. Noting that fifteen years had already passed since *Brown* and the long-standing recalcitrance of the districts, the Court disapproved the delay and declared that school districts were "to terminate dual school systems at once."[22] The *Green* and *Alexander* decisions constituted enough combined force to produce considerable desegregation in many communities throughout the South by a variety of means. The controversy stimulated by many district court orders based on these decisions led to one of the most important of recent Supreme Court cases on school desegregation.

The Swann Decision

In *Swann* v. *Charlotte-Mecklenburg Board of Education et al.* (1971),[23] a North Carolina case, the Supreme Court dealt forcefully with a number of problems left unresolved in earlier decisions. Basically, the case raised questions about the extent of a school board's obligation to achieve desegregation and the extent of a district court's authority to produce desegregation if the school board defaulted on its obligation. The Court's answers were direct. First, school boards were obligated to achieve *immediate* desegregation; plans for gradual progress were no longer adequate. Second, if the local board defaulted on its obligation to achieve desegregation, the district courts had broad discretion to develop desegregation plans. In *Swann* the school board had devised a plan that would have substantially desegregated the junior and senior high schools but would have left the elementary schools segregated. A district judge had ordered the school board either to devise a plan that would desegregate all the schools or to accept a comprehensive desegregation plan already formulated by a court-appointed expert. The court's plan included extensive busing, rezoning, pairing,[24] clustering,[25] closing of schools, and specific ratios for the assignment of students, faculty, and staff.

[22] 396 U. S. 19 (1969).

[23] 402 U. S. 1 (1971).

[24] Pairing involves combining the facilities of two schools. For example, if a community has separate elementary schools for black and white students, one school can be converted to handle all students attending grades K–3 and the other can handle all students in grades 4–6. Because desegregation techniques have been discussed so frequently in other works they will not be surveyed here. For an excellent discussion see Gordon Foster, "Desegregating Urban Schools: A Review of Techniques," *Harvard Educational Review*, 43 (February 1973), 5–36.

[25] Clustering is basically the same concept as pairing except that more than two schools are involved.

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Racial Ratios

The Supreme Court upheld both the district court's decision to impose the expert's plan on the board and the specific techniques in it. In a 1969 case the Court had upheld the use of fixed ratios for faculty assignment and they merely restated their position on this point.[26] For the first time, however, the Court held that ratios could also be used in student assignment. Although it said that it would not uphold inflexible mathematical formulas, the Court held that ratios were acceptable as "a starting point in the process of shaping a remedy."[27] Whereas some people have argued that the fourteenth amendment requires "color-blindness," the Court took the position that blacks could only be protected by color *consciousness*.[28] "Awareness of the racial composition of the whole school system is likely to be a useful starting point in shaping a remedy to correct past constitutional violations."[29]

Attendance Zones

In the *Swann* case the Court also defined the district courts' authority to alter the attendance zones of school districts. Since it was the obligation of school districts to *achieve* desegregation, assignment policies that were merely "racially neutral" or based on a "neighborhood schools" plan would not be adequate if they did not promote desegregation. To accomplish desegregation, the district courts were given authority to alter attendance zones by pairing, clustering, closing, or grouping schools. Further, the Supreme Court stated that new zones need not be compact or contiguous. The impact of zone restructuring was duly noted by the Court.

> The remedy for such segregation may be administratively awkward, inconvenient, and even bizarre in some situations and may impose burdens on some, but all awkwardness and inconvenience cannot be avoided in the interim period when remedial adjustments are being made to eliminate the dual school systems.[30]

One-Race Schools

The Court was somewhat ambiguous about whether one-race schools could be left in a unitary school system. It noted that under some cir-

[26] *United States* v. *Montgomery Board of Education*, 395 U. S. 225 (1969).

[27] 402 U. S. 25.

[28] On this point see Paul R. Diamond, "School Segregation in the North: There Is But One Constitution," *Harvard Civil Rights-Civil Liberties Law Review*, 7 (January 1972), 8–9.

[29] 402 U. S. 25.

[30] 402 U. S. 28.

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cumstances one-race schools might remain until housing patterns changed or new schools were constructed; existence of a few one-race schools would not itself indicate that a school system had continued to practice discrimination. However, the Court held that in a system with a history of discrimination, "The Court should scrutinize such schools, and the burden upon the school authorities will be to satisfy the Court that their racial composition is not the result of present or past discriminatory action on their part."[31] Since the *Swann* decision seems generally to consider school segregation in a district that once operated a dual system to be state imposed,[32] it would seem extremely difficult, if not impossible, for such districts to prove that one-race schools were *not* the result of past or present discrimination.

Busing

In perhaps its most important statement in *Swann*, the Court placed its imprimatur on the use of busing to achieve desegregation. This decision was based on three points. First, the Court noted that because busing is such a common practice there could be no legitimate reason for excluding it as a method of achieving desegregation. Backing for this conclusion was provided by an HEW survey in 1970 which found that "42 percent of all American public school students are transported to their schools by buses; an additional 25 percent ride public transportation."[33] This survey also revealed that only 3 percent of all busing is for the purpose of achieving desegregation and that only 1 percent of the annual increase in student transportation was attributable to school desegregation.[34]

Second, the Court noted that the busing ordered by the lower court in Charlotte was comparable to busing practices *before* the desegregation plan: "This system compares favorably with the transportation plan previously operated in Charlotte under which each day 23,600 students on all grade levels were transported an average of 15 miles one way for an average trip requiring over an hour."[35] The one-hour bus ride to school required in Charlotte seems to be common to many communities.

Third, the Court pointed out that busing might be the *only* way to achieve desegregation. "Desegregation plans," the Court said, "cannot be limited to the walk-in school."[36]

[31] 402 U. S. 26.

[32] See Owen M. Fiss, "The Charlotte-Mecklenburg Case—Its Significance for Northern School Desegregation," *The University of Chicago Law Review*, 38 (Summer 1971), 700.

[33] *Toward Equal Educational Opportunity*, p. 188.

[34] Ibid.

[35] 402 U. S. 30.

[36] Ibid.

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The Court noted that busing could not be unlimited and that at some point it might even become harmful. It felt, however, that it could not articulate any specific guidelines for busing. It stated only that "An objection to transportation of students may have validity when the time or distance of travel is so great as to either risk the health of the children or significantly impinge on the educational process."[37] The Court also said that "the limits on time of travel will vary with many factors, but probably with none more than the age of the students."[38] Since sixty- and ninety-minute bus rides by school children seem to be rather common, the Court's statements imply that there can be little limitation on the use of busing to achieve desegregation.

In sum, the *Swann* decision came close to being the last nail in the coffin of dual school systems. The presumption of guilt for segregation was weighted toward school boards, the mandate was for immediate change, and the courts were given authority to employ broad remedial powers to dismantle dual schools.

After *Swann* the major obstacle left in the path of the complete dismantling of dual systems was the lack of vigorous enforcement efforts by HEW and OCR. In early 1973 a district court decision took a step toward remedying this problem. In *Adams* v. *Richardson*[39] declaratory and injunctive relief against HEW and OCR for default of their administrative responsibilities under the 1964 Civil Rights Act was sought. The case against HEW and OCR was substantial. For example, the record showed the following:

1. Between January 1969 and February 1970 ten states were judged guilty by HEW of operating segregated systems of higher education in violation of Title VI. Each state was given 120 days to effect a suitable remedy. By early 1973 none of the states had responded adequately but no action had been taken by HEW and all still received Title VI funds.
2. Seventy-four districts judged noncompliant in 1970–1971 were still not in compliance in early 1973 but all continued to receive federal funds.
3. Eighty-seven districts had been allowed an additional year to desegregate after the Supreme Court ruled in *Alexander* v. *Holmes* that districts were to desegregate "at once."[40]
4. After *Swann* established "a presumption against schools that are substantially disproportionate in their racial composition,"[41] HEW continued to take no action against districts with substantial minority schools.
5. Six-hundred-and-forty districts that were subject to court-ordered deseg-

[37] 402 U. S. 31, 32.
[38] 402 U. S. 31.
[39] 351 F. Supp. 636 (1972).
[40] 396 U. S. 19 (1969).
[41] 402 U. S. 26 (1971).

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regation plans were presumed in compliance by HEW without the benefit of any monitoring.

6. Between 1964 and 1970 HEW initiated approximately 600 administrative proceedings against noncomplying school districts, with about 100 proceedings a year in 1968 and 1969. With the appointment of Panetta's successor no proceedings were initiated for some twelve months. Since February 1971, only a token number of proceedings have been initiated and no funds have been terminated since the summer of 1970.

The district court made three points: First, HEW and OCR were obligated to achieve compliance with Title VI. Second, HEW and OCR could not exercise unlimited discretion in seeking voluntary compliance. Third, when a substantial period has passed without compliance HEW and OCR must see that Title VI is enforced. Judge Pratt's words were explicit:

> As the undisputed record demonstrates, defendant's efforts toward voluntary compliance have been unsuccessful in the case of many state and local educational agencies which continue to receive substantial federal funds in violation of the statute. Defendants now have no discretion to negate the purpose and intent of the statute by a policy described in another context as one of "benign neglect" but, on the contrary, have the duty, on a case-by-case basis, to employ the means . . . to achieve compliance.[42]

HEW and OCR made three trips to the Courts of Appeal in efforts to reverse the decision, but failed. They then announced that the decision would be obeyed. In April 1973 letters were sent to the ten states in which higher-education systems had been judged segregated and to some 200 school districts telling them to achieve compliance. In addition, OCR announced that it was doing the paperwork necessary to enforce the decision. By May 1974, however, OCR was still shuffling papers and making excuses.

Current Supreme Court Standards: Implications for Achieving School Desegregation in the North

The implication of the *Green*, *Alexander*, *Swann*, and *Adams* decisions for states that formerly operated dual school systems is quite clear—they must completely dismantle the dual school system and all vestiges thereof. Until lately the implications of the Supreme Court's more recent decisions for school segregation in northern communities has been rather unclear. Traditionally the courts have made a distinction between segregation based on legal or official acts (de jure) and segregation that is supposedly fortuitous (de facto). Until recently most northern districts have escaped the obligation to correct segregation on the ground that the

[42] 351 F. Supp. 642 (1973).

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Supreme Court's mandates have been directed toward de jure segregation and that northern segregation is de facto.

The logic of this approach to school segregation is not very persuasive. There would seem to be no justification for forcing southern districts to eliminate segregation while northern districts remain segregated. If school segregation is unconstitutional and harmful in one part of the country, surely it is equally invidious wherever it exists. As noted earlier, school segregation is now more extensive in the North than in the South and it is particularly acute in northern metropolitan areas. Recent figures indicate that "over 80 percent of all black metropolitan residents live in central cities, while more than 60 percent of white metropolitan residents live in suburbs. Of minority group students, 62.4 percent outside the South attend center-city school districts in which a majority of students are from minority groups."[43] Segregation in the North is pervasive, then, but the question is whether northern districts are now obligated to desegregate.

During the 1960s three of the U. S. Courts of Appeal held northern segregation to be constitutional,[44] while one circuit and a number of district courts reached the opposite conclusion.[45] These cases arose, however, at a time when freedom of choice was the only obligation being placed on most southern districts.[46] Since *Green* established an affirmative obligation on districts to remedy segregation many more school districts outside the South have been required by the courts to correct segregated school conditions.

The Discrimination Theory

There are basically two broad theories under which northern districts have been held responsible by federal and state courts for school segregation.[47] Most frequently the courts have held that while school segre-

[43] *Toward Equal Educational Opportunity*, p. 32.

[44] *Deal* v. *Cincinnati Board of Education*, 396 F. 2d 55 (6th Cir. 1966), certiorari denied, 387 U. S. 847 (1967); *Bell* v. *School City*, 324 F. 2d 209 (7th Cir. 1963), certiorari denied, 377 U. S. 924 (1964); *Downs* v. *Board of Education*, 336 F. 2d 988 (10th Cir. 1964), certiorari denied, 380 U. S. 914 (1965).

[45] *Taylor* v. *Board of Education*, 294 F. 2d 36 (2d Cir.), certiorari denied, 368 U. S. 940 (1961); *Blacker* v. *Board of Education*, 226 F. Supp. 208 (E.D.N.Y. 1964); *Branche* v. *Board of Education*, 204 F. Supp. 150 (E.D.N.Y. 1962); *Clemons* v. *Board of Education*, 288 F. 2d 853 (6th Cir.), certiorari denied, 350 U. S. 1006 (1956).

[46] See Diamond, "School Segregation in the North," p. 12.

[47] The various theories are best discussed in Diamond, "School Segregation in the North"; Frank I. Goodman, "De Facto School Segregation: A Constitutional and Empirical Analysis," *California Law Review*, 60 (March 1972), 275–437; Robert I. Richter "School Desegregation After Swann: A Theory of Government Responsibility," *The University of Chicago Law Review*, 39 (Winter 1972), 421–447.

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gation in the North may not be based on a formal legal mandate, it is still the product of intentionally discriminatory actions. For example, in a recent case the United States Court of Appeals for the Ninth Circuit said: "In context of . . . racial segregation the term 'de jure' does *not* imply criminal or evil intent but means no more or less than that school authorities have exercised powers given them by law in a manner which creates, continues, or increases racial imbalance. . . ."[48] When actionable segregation is based on this broad a theory of de jure segregation the courts can investigate such factors as whether segregated schools have resulted from discriminatory actions on the part of state and local officials in the areas of housing laws and codes, bank-lending policies, school attendance and construction policies, school-site selections, etc. This theory of actionable segregation could probably be sustained in most northern communities with substantial numbers of black students since they often use discriminatory techniques to create and maintain segregation and because it could probably be shown that the actions of most school boards have worked to minimize integration at one time or another.

In recent years this theory has been used to hold school segregation actionable in Detroit,[49] San Francisco,[50] Los Angeles,[51] Denver,[52] Pasadena (Calif.),[53] Oxnard (Calif.),[54] Pontiac (Mich.),[55] Las Vegas,[56] and Indianapolis.[57] In the Detroit case the court ruled that school segregation was de jure rather than de facto because of:

> Federal Housing Administration and Veterans Administration loan policies that encourage "racially and economically harmonious neighborhoods"; judicial enforcement of racially restrictive covenants prior to their prohibition by the Supreme Court in 1948; and such school board acts as altered attendance zones, transfer programs that allowed whites to escape from identifiably black neighborhood schools, and busing programs that operated to move only black students out of geographically closer overcrowded white schools into predominantly black schools with available space.[58]

[48] *Johnson* v. *San Francisco Unified School District*, 339 F. Supp. 1316 (1971).
[49] *Bradley* v. *Milliken*, 388 F. Supp. 582 (E.D. Michigan 1971).
[50] *Johnson* v. *San Francisco Unified School District*, 339 F. Supp. 1315 (N.D. Cal. 1971).
[51] *Crawford* v. *Board of Education*, Civil No. 822854 (Sup. Ct. L.A. Cty. 1970).
[52] *Keyes* v. *School District No. 1*, 445 F. 2d 990 (10th Cir. 1971).
[53] *Spangler* v. *Pasadena Board of Education*, 311 F. Supp. 501 (C.D. Cal.).
[54] *Soria* v. *Oxnard School District Board of Trustees*, 328 F. Supp. 155 (C.D. Cal. 1971).
[55] *Davis* v. *School District*, 309 F. Supp. 734 (E.D. Mich. 1970), affirmed, 443 F. 2d 573 (6th Cir.), certiorari denied, 92 S. Ct. 23 (1971).
[56] *Kelley* v. *Brown, Civil No. LV-1146* (D. Nev. 1970).
[57] *United States* v. *Board of School Commissioners*, 332 F. Supp. 665 (S.D. Ind. 1971).
[58] Richter, "School Desegregation After Swann," p. 427.

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In a number of the other communities the courts relied on a less extensive catalog of discriminatory actions but ruled that school segregation was de jure because the school boards had used their powers over attendance zones, school site construction, and faculty assignment to perpetuate racial imbalance that had been caused primarily by residential patterns.[59] For example, in the Indianapolis case the United States Court of Appeals for the Seventh Circuit held that the school board had practiced discrimination because:

> It has built additions at Negro schools and then zoned Negro students into them from predominantly white schools; it has built additions at white schools for white children attending Negro schools; it has generally failed to reduce overcrowding at schools of one race by assigning students to use newly built capacity at schools of the opposite race. The Board has also constructed simultaneous additions at contiguous predominantly white and Negro schools, and has installed portable classrooms at schools of one race with no adjustment of boundaries between it and neighboring schools of the opposite race.[60]

In addition, the court found that there had been "approximately 350 boundary changes in the system since 1954. More than 90% of these promoted segregation."[61] In the Pasadena case the court held that if it could be shown that racial discrimination caused segregated housing patterns, "school officials have the burden to show that there are no educationally sound and administratively feasible alternatives available to overcome the existence of segregated schools."[62]

The Equal Education Theory

The second broad theory involves some showing that minority children are being denied equal educational opportunities. In its most forceful form this theory is unconcerned with past discriminatory actions and centers attention exclusively on segregated educational patterns. The mere existence of segregated patterns would be plenary evidence of a constitutional violation. In this form the theory has been applied only in a few instances but it is perhaps the most sensible approach. Either segregation is evil or it is not. The assumption that school segregation is inherently wrong must basically underlie the Supreme Court's reasoning. Surely it would not be reasonable for the Supreme Court to make the South correct segregated schools *only* because they resulted from

[59] These findings were made in Denver; Pontiac, Mich.; Las Vegas; and Indianapolis.
[60] 332 F. Supp. 667.
[61] 332 F. Supp. 670.
[62] 311 F. Supp. 503.

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past discrimination. As the Supreme Court said in *Brown*: "Separate educational facilities are inherently unequal."[63]

In the case of *People* v. *San Diego Unified School District* the theory that an unbalanced school system constitutes a denial of equal protection was adopted. The State Court of Appeals held that when segregation exists within the schools the burden is on the state to prove that all children in the system are receiving a genuinely equal education or that achieving desegregation is impossible.[64] This same reasoning was applied in a case involving Springfield, Illinois.[65] In a somewhat more moderate theory, the Courts of Appeal in the District of Columbia and in San Francisco held that segregated schools deny black children an equal education.[66] In the District of Columbia case the court held that black children had also been denied equal protection of the law because minority schools manifested inferior physical facilities and received fewer economic resources.[67]

The Court's Interpretation

A careful reading of *Swann* provides some support for both theories, but much more for the discrimination than the equal education theory. It may be inherent in the *Swann* opinion that segreated schools are unconstitutional[68] but repeatedly the Court bases the right of relief on the existence of discriminatory state actions. For example, at one point in *Swann* the Court says: "Policy and practices with regard to faculty, staff, transportation, extracurricular activities, and facilities are the most important indicia of a segregated system, and the first remedial responsibility of school authorities is to eliminate invidious racial distinctions in those respects."[69] The reference to facilities indicates that any type of inequality between black and white schools would be considered a constitutional violation. However, the Court seems to be saying that separate facilities that are basically equal would not necessarily be unconstitutional. To be ruled unconstitutional a showing of discrimination in creating or maintaining the separate facilities would be required.

Another section of the opinion supports this reasoning. In perhaps its most revealing words the Court said:

> Absent a constitutional violation there would be no basis for judicially

[63] *Brown* v. *Board of Education*, 347 U. S. (1954).
[64] *Kelly* v. *Gruinn*, 456 F. 2d 108 (9th Cir. 1972).
[65] *Barksdale* v. *Springfield School Committee*, 237 F. Supp. 543 (1965).
[66] *Hobson* v. *Hansen*, 269 F. Supp. 401 (D.D.G. 1967); *Johnson* v. *San Francisco Unified School District*, 339 F. Supp. 1315 (1971).
[67] *Hobson* v. *Hansen*, 269 F. Supp. 419 (D.D.G. 1967).
[68] This argument is made by Fiss, "The Charlotte-Mecklenburg Case," pp. 697–709.
[69] 401 U. S. 18.

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> ordering assignment of students on a racial basis. All things being equal, with no history of discrimination, it might well be desirable to assign pupils to schools nearest their homes. But all things are not equal in a system that has been deliberately constructed and maintained to enforce racial segregation.[70]

Thus, a showing of a constitutional violation in the form of discriminatory actions of some type seems critical to relief.

Additionally, when the Court discusses the type of conditions that go to make up a constitutional violation, they are phrased in terms of discriminatory acts, not in the mere existence of segregated attendance patterns. For example, the Court said:

> Independent of student assignment, where it is possible to identify a "white school" or a "Negro school" simply by reference to the racial composition of teachers and staff, the quality of school building and equipment, or the organization of sports activities, a prima facie case of violation of substantial constitutional rights under the Equal Protection Clause is shown.[71]

The Court's phrasing here is very important because it seems to be discussing actions that are independent of laws mandating segregated schools.[72] The acts described seem to define separate constitutional violations that undoubtedly are engaged in by many districts (North and South). In defining the type of activities that make up constitutional violations the Court also said: "In ascertaining the existence of legally imposed school segregation, the existence of a pattern of school construction and abandonment is . . . a factor of great weight."[73] Again it would appear that if it can be shown that school site and construction policies have been manipulated to perpetuate school segregation, a constitutional violation has occurred regardless of where the district is located.

This reasoning was substantiated in June 1973 when the Supreme Court heard *Keyes et al.* v. *School District No. 1, Denver, Colorado*,[74] the first full hearing of a segregation case from a nonsouthern city. The Court ruled that if the district judge found that intentional racial discrimination by school authorities had caused substantial school segregation in any part of Denver, then the whole district could be considered a dual system subject to full constitutional relief. "Common sense," the Court said, "dictates the conclusion that racially inspired school board actions have an impact beyond the particular schools that are the subjects of those actions."[75] In addition, the Court said that the distinction

[70] 402 U. S. 28.
[71] 402 U. S. 18.
[72] This point is made by Diamond, "School Segregation in the North," p. 3.
[73] 402 U. S. 21.
[74] 404 U. S. 407 (1973).
[75] Ibid.

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between de jure and de facto segregation hinged on whether there had ever been any intent to segregate the races in a community, not on whether segregation had been mandated by law. Thus a community has a "history of segregation" if "a pattern of intentional segregation has been established in the past."[76] Also, the remoteness of past discriminatory actions would not be important if the effects of past discrimination persist. "If the actions of school authorities were to any degree motivated by segregative intent and the segregation resulting from those actions continues to exist, the fact of remoteness in time certainly does not make these actions any less 'intentional.' "[77]

Equally important, the Supreme Court said that if the district judge did not find that the city was operating a dual system, the burden would be on the school board to prove that they had not caused or contributed to the existing segregation. The Court said that the burden would be on the board to show that its policies with respect to construction, site, and location of schools, student transfers, and other factors such as the "so-called 'neighborhood schools' concept," were not adopted to maintain segregation in the core city, or "were not factors in causing the existing condition of segregation in these schools."[78]

The implications of *Swann* and *Keyes* for northern school segregation seem obvious. The message is that northern school segregation is unconstitutional if it can be shown that the segregation is de jure rather than de facto. More important, however, the Court has defined de jure segregation broadly and has put the burden of proof on school boards. For northern boards to prove that their policies have not contributed to, or caused, segregation should be extremely difficult since the specific school board activities that the Supreme Court has identified as evidence of discrimination are activities that are practiced widely both North and South. This is not an ideal approach to school desegregation but it is viable to the extent that segregated conditions can be attacked, North and South.

Consolidation and Other Transdistrict Remedies

The most important issue presently unanswered by the Supreme Court is exactly how much authority the courts have to devise desegregation plans that cross political boundaries. In many areas of the United States, especially large central cities, it is impossible to eliminate "racially identifiable" schools because the white population of the inner city and es-

[76] Ibid.
[77] Ibid.
[78] Ibid.

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pecially the number of white children attending public school is too small. The critical question, therefore, is the conditions under which inner city and suburban students can be assigned across city or county school district boundaries to overcome segregation.

This issue was first raised in the recent case of *Bradley* v. *School Board*.[79] A district judge was faced with the problem of dismantling a dual school system in the city of Richmond, Virginia. Richmond has only a 30 percent white student population. The judge felt that the school system was charged with the affirmative duty under *Green*, *Alexander*, and *Swann* to achieve a unitary school system. The only way to accomplish this goal, however, would have been to combine the schools of Richmond with those of two surrounding counties which were predominantly white. Weighing the merits, the judge ordered the Richmond schools combined with those of the two counties for the purpose of achieving a desegregated system.

The decision was based on three points. First, Judge Merhige concluded that the duty to provide all children with an equal education is an obligation of the state not the local government. Consequently local divisions were irrelevant to this obligation. Second, the court found that all three districts were guilty of having operated dual school systems, of which the district lines were a vestige. Judge Merhige held that maintenance of the district lines had the effect of perpetuating segregation, and that they had been deliberately maintained for that purpose. Third, the boundaries between Richmond and the two counties had been ignored for purposes of achieving and maintaining segregation. Under the dual school system, Judge Merhige found that massive busing over long distances and over the county lines had been employed to segregate the schools. The busing had been so extensive that the judge concluded that in reality the trijurisdictional area was one community.

Support for Judge Merhige's decision would seem to be substantial. If district lines could be crossed for purposes of segregation, surely they can be crossed for purposes of overcoming the resulting imbalance. The judge's conclusion that education is a state, not a local, obligation also seems sound. Under the Fourteenth Amendment the states are obligated to see that all their citizens are provided equal protection under the law, and the state is held responsible for the actions and consequences of the acts of its agents.

There also seems to be legal precedent for assuming that intrastate boundaries cannot stand as obstacles to legal rights. In the reapportionment cases the Supreme Court held that political boundaries could not be continued if they denied citizens an equal vote. Furthermore the Court

[79] *Bradley* v. *School Board*, 338 F. Supp. 67 (E.D. Va. 1972).

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said: "Political subdivisions of states—counties, cities, or whatever—never were and never have been considered sovereign entities. Rather they have been traditionally regarded as subordinate governmental instrumentalities created by the state to assist in the carrying out of state governmental functions."[80]

Surprisingly perhaps, the Court of Appeals for the Fourth Circuit reversed *Bradley* and the decision was upheld when the Supreme Court, Mr. Justice Powell abstaining, divided 4–4. The Circuit Court held that: "Because we are unable to discern a constitutional violation in the establishment and maintenance of these school districts, nor any unconstitutional consequences of such maintenance, we hold that it was not within the district judge's authority to order the consolidation of these separate political subdivisions."[81] The Supreme Court's nondecision did not indicate agreement with the Circuit Court's reasoning but left the lower court decision intact.

There have been a number of other cases which have involved various aspects of this problem. It seems clear that if it can be shown that district lines were purposely drawn or redrawn to achieve segregation, they can be overturned or transgressed. For example, in *Turner* v. *Littleton-Lake Gorton School District* the Fourth Circuit held that the school districts had been reorganized for the purpose of achieving and maintaining segregation.[82] Also, in the case of *U.S.* v. *Scotland Neck City Board of Education*[83] the Supreme Court refused to allow a new school district to be established in a county where the effect was to remove most of the white students from the county. Similarly, in *Lee* v. *Macon County* the Fifth Circuit refused to uphold the secession of a city from a county school system. Judge Wisdom ruled that "the city cannot secede from the county where the effect—to say nothing of the purpose—of the secession has a substantial adverse effect on desegregation of the county school district."[84]

However, if the boundaries are neutrally drawn and later become barriers to integration they are not necessarily unconstitutional. In *Spencer* v. *Kugler*[85] a New Jersey statute establishing school districts coterminous with political boundaries was challenged on the ground that the boundaries created severe racial imbalance in some parts of the state. The district court held that the statute was constitutional since it was

[80] *Reynolds* v. *Sims*, 377 U. S. 533, 575 (1964).
[81] *Bradley* v. *School Board*, Civ. No. 72–1058 (4th Cir., 1972).
[82] 442 F. 2d 584 (4th Cir. 1971).
[83] 442 F. 2d 575 (4th Cir. 1971).
[84] 455 F. 2d. 978 (5th Cir. 1972).
[85] 327 F. Supp. 1235 (D.N.J. 1971).

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not based on a racial motive and the Supreme Court affirmed.[86] This decision does not rule out the possibility that the Supreme Court might allow neutral boundaries to be breached for the purpose of executing a specific desegregation plan.

The Supreme Court was directly faced with the issue of consolidation during the 1973–1974 term but their decision still left the issue clouded.[87] The Court heard arguments in a case involving Detroit, Michigan. The Sixth Circuit Court of Appeals had agreed with a district court ruling that the schools in Detroit were segregated by official action and inaction on the part of local and state officials.[88] The court also agreed that a Detroit only desegregation plan would not achieve significant desegregation and that only a metropolitan plan including fifty-two suburban districts in three counties would be effective. The court said:

> The discriminatory practices on the part of the Detroit School Board and the State of Michigan revealed by this record are significant, pervasive and causally related to the substantial amount of segregation found in the Detroit School system by the district judge. . . . The Court feels that some plan of desegregation beyond the boundaries of the Detroit School District is both within the equity powers of the district court and essential to a solution to this problem.[89]

In a 5–4 decision the Supreme Court refused to uphold the lower courts. Chief Justice Berger, speaking for the majority, refused to hold either that local divisions were irrelevant or that school desegregation is a state rather than a local obligation. However, Berger said that "Boundary lines may be bridged where there has been a constitutional violation calling for interdistrict relief." The type of constitutional violation that would warrant an interdistrict remedy seemed to be a showing that all the districts involved in a consolidation plan were guilty of some form of intradistrict or interdistrict school discrimination. Thus Berger stated that relief would be forthcoming for Detroit if it could be shown that "petitioners drew the district lines in a discriminatory fashion, or arranged for white students residing in the Detroit district to attend schools in Oakland and Macomb counties. . . . " Since Berger felt that the record before the Court did not document any significant violations "by the 53 outlying school districts and no evidence of any interdistrict violation or effect," he remanded the case to the Court of Appeals for further investigation.

[86] Affirmed Mem., 92 S. Ct. 707 (1972).
[87] *Milliken* v. *Bradley*, 94 S. Ct. 3112 (1974).
[88] *Bradley* v. *Milliken*, 338 F. Supp. 582 (E. D. Mich. 1971).
[89] Ibid.

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Four judges vigorously dissented from Berger's position but the most important opinion in the case may have been written by one of the members of the majority. Justice Stewart concurred in the decision of the Court but he listed a much broader and more liberal set of conditions that would warrant an interdistrict remedy. "Were it to be shown, for example, that state officials had contributed to the separation of the races by drawing or redrawing school district lines, or by purposeful, racially discriminatory use of state housing or zoning laws, then a decree calling for transfer of pupils across district lines or for restructuring of district lines might well be appropriate." This seems to indicate that officials in the outlying districts would not necessarily have to be found personally guilty of any illegal acts. If the actions of state officials produced discrimination in a district, it would be liable to a consolidation plan.

Until the Court deals with some cases that try to document intradistrict violations, the implications of the Detroit case will not be clear. It would seem that the conditions documented in the Richmond case would certainly warrant an interdistrict plan, and this would probably be the case for most southern cities. But the implications for many northern communities must await further litigation.

If the Court will not allow forced consolidation, or if they limit it to only a few instances, it will be difficult or even impossible to desegregate many inner-city schools. With consolidation, however, even the schools of such cities as Washington, D. C., and Detroit could be successfully desegregated. Even though metro plans would lead to more desegregation, some reservations about such systems have been expressed. Most frequently it is argued that metro systems would be large to the point of being unwieldy and that children would have to be bused excessive distances in these systems. The evidence suggests that such arguments may be inaccurate. Many large cities have metro school systems (e.g., Houston, Charlotte, and all cities in Florida) and they have not found such systems to be unmanageably large. In fact, a recent report reveals that metro desegregation plans have proceeded smoothly in Florida districts involving Jacksonville, Orlando, St. Petersburg, Tampa, and Ft. Lauderdale.[90]

The evidence also indicates that metro school districts have some distinct advantages over the typical city or suburban school district. Gordon Foster of the Florida Desegregation Center points out six advantages: (1) A metro plan may require less busing. For example, rather than busing students across a city to achieve desegregation, they may be able to travel only a short distance to a suburban school. (2) Experience indicates

[90] Foster, "Desegregating Urban Schools," p. 6.

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that in a metro system the physical facilities and resources of all schools quickly are equalized. (3) Metro tends to stabilize communities because there are no segregated communities to which whites can escape. (4) Metro contributes to an equalization of tax burdens and revenues. (5) Metro reduces competition between city and suburban schools for the best teachers. (6) Metro can combine the best of efficient centralization of operation with considerable decentralized control.[91] Metro systems, therefore, seem to offer advantages that go beyond the issue of desegregation.

The Educational Park as a Tool of Desegregation

Even if the Supreme Court does rule that central city and suburban schools can be combined for the purpose of desegregation, it may still be difficult to desegregate some schools without burdensome busing. As noted earlier, consolidation does not necessarily lead to more busing; it may in fact substantially reduce the need for busing. Still, the considerable geographical separation of the races in most cities and in some metropolitan areas may necessitate considerable busing. Defining the point at which busing becomes dysfunctional is, of course, very difficult. An hour trip each way seems excessive although this time span is rather common in American communities. If a limitation of an hour trip each way was placed on busing, however, it might be difficult to desegregate some communities.

The educational park is a concept that might be combined with consolidation and busing to produce viable desegregation plans.[92] The educational park is a large and comprehensive public school that can be located advantageously for purposes of desegregation. The educational park would be located on 60 to 100 acres, contain 10 to 20 schools ranging from kindergarten to twelfth grade, and accommodate 10,000 to 20,000 students.

There are good reasons besides achieving desegregation for serious consideration of the educational-park system. First, school consolidation saves money on expensive items that are duplicated massively under the present system—libraries, science labs, swimming pools, gymnasiums, etc. These savings can go into teachers' salaries, innovative teaching methods and aids, individualized instruction, and a broader curriculum.

The construction of an educational park would, of course, be expensive,

[91] Ibid., pp. 33–35.

[92] For a more thorough examination of the educational park see Thomas F. Pettigrew, *Racially Separate or Together?* (New York, 1971), pp. 69–81; and N. Jacobson (ed.), *An Exploration of the Educational Park Concept* (New York, 1964).

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but no more so than current school policies. Some have argued that the size of the parks would make them very impersonal. Most city schools are already large and impersonal so the situation would probably not worsen, especially since students would be headquartered in specific units of the park. It is also argued that the idea is extravagant since present schools would be wasted. This is only partially true. Many schools are ready to be razed, some can be sold to private interests, and some can be used for other community purposes (e.g., meeting halls, city offices, etc.).

In sum, the educational park deserves serious consideration, both as a tool of desegregation and as an educational device. Through the use of educational parks, consolidation, and busing, even the largest metropolitan areas could be desegregated.

Conclusions

This analysis suggests two conclusions. First, school desegregation can be achieved. The legal grounds for attacking school desegregation have been amply established by the Supreme Court. There is probably no community with substantial school segregation that is not obligated to desegregate under the Supreme Court's recent decisions. In the next five years there should be much additional progress in school desegregation because northern segregation will come under full legal scrutiny and because the legal obligations on the South and on the government are so specific that few dilatory ploys are left.

Second, achieving desegregation is easier than many people believe. With honest effort there are probably few school systems in America that cannot be substantially desegregated and most can be desegregated "root and branch." The technology to achieve full desegregation is available—pairing, grouping, clustering, rezoning, site selection, busing, etc. As Foster says "there is nothing mysterious about the techniques of desegregation. Indeed, all of the tools for desegregation can be and have been used to create or maintain a segregated status for school populations."[93]

We also believe that school desegregation will prove worthwhile. Although controversial and frequently hard on those involved, in the long run school desegregation should be beneficial to society. The available empirical evidence only hints at the full potential of school desegregation but the limited insights gleaned are promising.[94] In addition, it seems only reasonable that integrated schools are a necessary prepara-

[93] Foster, "Desegregating Urban Schools," p. 26.

[94] For a review of this literature see Charles S. Bullock, III, and Harrell R. Rodgers, Jr., *Racial Equality in America: In Search of an Unfulfilled Goal* (Pacific Palisades, Calif., in press), chap. 5.

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tion for interracial living. As a black parent in Rochester said: "Education . . . is preparing yourself to live and work in the world, and in this respect your education is definitely lacking if you are not being prepared to live and work with all types of people."[95] Jencks et al. make a similar point:

> The most important effect of school desegregation may be on adults, not on students. School desegregation can be seen as part of an effort to make blacks and whites rethink their historic relationship to one another. If blacks and whites attend the same schools, then perhaps they will feel more of a stake in each other's well-being than they have in the past.[96]

In the opinion of the author, the situation can be succinctly summed up as follows:

> [T]he case for or against desegregation should not be argued in terms of academic achievement. If we want a segregated society, we should have segregated schools. If we want a desegregated society, we should have desegregated schools.[97]

[95] *Racial Isolation in the Public Schools*, Report of the U. S. Commission on Civil Rights (Washington, D. C., 1967), p. 159.

[96] Christopher Jencks et al., *Inequality: A Reassessment of the Effect of Family and Schooling in America* (New York, 1972), p. 156.

[97] Ibid., p. 106.

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Federal Policy, Local Power, and Metropolitan Segregation

GARY ORFIELD

Through much of American history, the most elemental flaw of the American federal system was its inability to protect basic rights of black Americans in the southern and border state regions. It is ironic that only a decade after the decisive exercise of national power to force change in the South, American federalism should once again be entangled in a set of seemingly intractable issues of race. No sooner did public action clear away the most blatant denials of the right to vote, to use public accommodations, and to attend desegregated schools, than fundamental issues were raised about the implications of pervasive and rapidly spreading segregation in the center of the great metropolitan areas of the North and West.

Even the rhetoric is similar. Once again the defenders of the existing arrangements appeal to the tradition of local control and once again the state governments join the battle against national regulation in Congress and in the courts. Once again the civil rights organizations turn to the federal courts and appeal to executive agencies, searching for the power to force the changes in the structure of local government, which they see as the only alternative to a future of metropolitan apartheid.

The United States today faces racial segregation in its urban complexes on a scale that would have been virtually unimaginable a generation ago. Great cities, long considered typical American cities, have become the

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sites both of ghettos of unprecedented vastness and of spreading economic malaise. Two decades after the 1954 Supreme Court decision, school segregation continues to worsen in many of these cities. After a decade and a half of state and local fair-housing laws and six years after enactment of a sweeping federal law, statistics show only a slight and uncertain change in the pattern of overwhelming residential segregation. A decade after the enactment of federal legislation against job discrimination the very rapid movement of jobs to the suburbs and beyond is geographically screening out many minority workers in the concentrated urban centers.

Metropolitan segregation increasingly is giving racial and class definitions to units of local government, particularly in the older urbanized areas. The highly fragmented structure of political power tends to exacerbate the problems and severely limit the resources of the central city and inner suburban communities with minority concentrations. Racial polarization often serves to obscure common area interests and to produce an increasing coalescence of suburban political power, power used to forestall change and to redistribute resources to the suburbs. Increasingly, disputes over race may become disputes between jurisdictions, a pattern very evident in the unsuccessful efforts of the city school authorities in Richmond, Virginia, and Detroit as well as several other cities to invoke the power of the federal courts to prevent virtually complete segregation of the central city school systems by imposing desegregation plans incorporating most of the metropolitan areas.

Segregation and the Urban Future

One after another, notable groups of American leaders have carefully examined the condition of our cities and issued grim warnings about the social future of the areas where most Americans live. Several years of urban ghetto riots, climaxed by the Newark and Detroit upheavals in 1967 led to the creation of the National Advisory Commission on Civil Disorder. In early 1968 this commission, dominated by moderates, reached the basic conclusion that, "Our nation is moving toward two societies, one black, one white—separate and unequal." The commission appealed for a vastly expanded commitment of federal resources both to upgrade urban services and to strongly attack urban segregation.[1] Congress made some response to these and other urgings by passing both a fair-housing law and the nation's largest housing program in 1968.

The year 1968 saw the assassination of black America's preeminent leader, Martin Luther King, Jr., and the eruption of another wave of riots. It brought the appointment of another commission, this one to study the

[1] National Advisory Commission on Civil Disorders, *Report of the National Advisory Commission on Civil Disorders* (New York, 1968), pp. 1, 410–413.

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roots of violence in American life. The Violence Commission issued its report in late 1969, predicting that "in a few more years" fear would lead to the desertion of central business districts after working hours, to the development of high-rise buildings elaborately guarded as "fortified cells for upper-middle and high-income populations living in the city," to acceleration of the tendency of urban residents to buy guns and fortify homes, and to the reinforcement of the pattern of middle-class retreat to racially and economically segregated suburbs. The commission foresaw:

> High-speed, patrolled expressways will be sanitized corridors connecting safe areas, and . . . vehicles will be routinely equipped with unbreakable glass, light armor, and other security features. . . .
>
> Streets and residential neighborhoods in the central city will be unsafe in differing degrees, and ghetto slum neighborhoods will be places of widespread crime, perhaps entirely out of police control during nighttime hours. . . .
>
> Between the unsafe, deteriorating central city on the one hand and the network of safe, prosperous areas . . . there will be, not unnaturally, intensifying hatred and deepening division.[2]

The commission called for a sharp increase in federal domestic programs, financed in part by a cutback in military spending.[3] Although the commission was headed by the brother of former President Eisenhower and its membership included a number of influential moderates, its report had no visible impact. The Nixon administration continued to press for lowering the percentage of federal contribution to education and for phasing out the poverty program and Model Cities. The president strongly attacked efforts to desegregate urban school systems and suburban housing, policies he described as "forced busing" and "forced integration of the suburbs."

The concern has not been limited to academics or to the reports of crisis-period investigations. Mayors, including the new black mayors, watch the inexorable departure of jobs and middle-class residents and search for ways to fight such drastic symptoms of urban pathology as widespread housing abandonment in metropolitan areas with already severe housing shortages. Even the prestigious and cautious Advisory Commission on Inter-Governmental Relations, composed largely of high-ranking local, state, and federal officials, concluded in late 1973 that, "the near-apartheid condition now existing in many metropolitan areas is one of the most insidious consequences of the differing growth patterns that have taken place since World War II."[4]

During a period of time when terror and even open warfare have be-

[2] National Commission on the Causes and Prevention of Violence, *To Establish Justice, To Insure Domestic Tranquility* (Washington, D. C., 1969), pp. 44–45.

[3] Ibid., p. 271.

[4] Advisory Commission on Intergovernmental Relations, *Regional Decision Making: New Strategies for Substate Districts* (Washington, D.C., 1973), p. 6.

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come the mode of interaction in residentially and educationally segregated cities such as Belfast, Northern Ireland, and Nicosia, Cyprus, it is difficult to dismiss lightly the possible future consequences of our metropolitan segregation. In United States society, physical separation is reinforced by race, a bitter history of race relations, and an increasing tendency for political boundaries to become racial boundaries.

The Scale of Contemporary Segregation

In spite of the passage of civil rights laws, two decades of litigation, and a dramatic growth in the number of black middle-class families, extremely high levels of school and housing segregation in major cities persisted into the 1970s. The pattern of segregation continued and spread in the face of a succession of public opinion surveys that showed most white Americans becoming more favorable to housing and school integration.[5]

The decade between 1962 and 1972 had seen a very dramatic turnaround in the statistics on southern school segregation, but had actually brought an increase in the intensity of racial separation in the North. The proportion of black children attending schools with some white enrollment in the South rose from 1 percent in 1962 to 91 percent in 1972. More important, 46 percent of the South's black students were in predominantly white schools while less than 29 percent of northern and western blacks were in schools with white majorities. While about 30 percent of southern blacks were in schools with more than 80 percent black enrollment, a substantial majority of the black children in the border and northern states attended such heavily segregated schools.[6]

Looking at the enrollment statistics another way, a study of 1967–1968 enrollment statistics in the thirty-eight largest city school systems in the North and West with available data, found that three-fourths or more of the black students in the great majority of these systems would have to be moved in order to achieve a racially proportionate enrollment pattern without sending white students into black schools.[7] An examination of the fourteen largest northern and western districts enrolling at least 15 percent black students showed that segregation grew worse in nine systems in the years following 1968, with only one district show-

[5] Angus Campbell, *White Attitudes Toward Black People* (Ann Arbor, Mich., 1971), pp. 130–132. The Gallup Poll reported in 1973 that only 23 percent of northern whites and 36 percent of southern whites said they would object to their children attending half black schools. *Gallup Opinion Index*, October 1973, pp. 13–14.

[6] HEW, Office for Civil Rights, news release, April 12, 1973; Bart Barnes, "School Integration Highest in South," *Washington Post*, July 16, 1974.

[7] Reynolds Farley and Alma F. Taeuber, "Racial Segregation in the Public Schools," *American Journal of Sociology*, 79 (January 1974), 895–896.

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ing more than a slight improvement.[8] In 1970 Chicago had only 3 percent of its black students in predominantly white schools and Philadelphia had only 7.4 percent. The next fall, Los Angeles and Detroit had fewer than 7 percent in majority-white schools and Milwaukee and Boston had less than 15 percent.[9] Even school districts with relatively small percentages of black enrollment tended to be highly segregated.

Many American political spokesmen have argued that the key to diminishing segregation in American urban communities lies not in school busing or other "artificial" actions but in the achievement of integrated housing. This view has significant public support. In an August 1973 Gallup Poll, 22 percent of the public said they would support a policy to "create more housing for low-income people in middle-income neighborhoods" as a way to "achieve integration in public schools."[10] In fact, however, there is little indication of significant change in the existing pattern of segregated housing.

The housing segregation statistics were similarly severe, both in terms of the very low level of neighborhood integration and of the continuing highly segregated nature of suburban growth. Ghettos were still growing rapidly while the percentage of black population in the suburbs, according to the 1970 census, was remaining approximately stable at about 5 percent. Although 80 percent of the 18.8 million population growth during the 1960s took place within metropolitan areas, central cities lost white residents. White suburban population grew during the decade by almost 30 percent as the suburbs absorbed an additional 15.5 million white residents. Black population grew twice as fast as white. By 1970 almost six-tenths of black people were central city residents. The black percentage of central city population grew from 16 to 21 percent in a single decade. In the Mid-Atlantic and New England states, the 1960s brought a 10 percent decline in white central city population and a dramatic 45 percent increase in black population.[11] The Census Bureau's admitted undercount of minority residents meant that these figures understated the true magnitude of the change.

Although recent research suggests that black migration into central cities has substantially diminished, the age structure of the current urban population and the higher minority birth rates mean that ghettos will continue to spread in the absence of intervention strong enough to change

[8] Gordon Foster, "Desegregating Urban Schools: A Review of Techniques," *Harvard Education Review*, 43 (February 1973), 9.

[9] Ibid.

[10] *Gallup Opinion Index*, October 1973, pp. 13–14.

[11] U. S. Bureau of the Census, "United States Summary, Final Report, General Demographic Trends for Metropolitan Areas, 1960 to 1970," PHC (2)-1, pp. 4–5.

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the existing processes. In the central cities of the Northeast, for example, one-third of the black population but only about one-fifth of the white population was under fifteen, while the fraction of whites of retirement age was more than twice that of blacks. Given the fact that the black birth rate was more than twice that of whites in the 1971–1973 period, the ratio would obviously continue to change rapidly even if inmigration ended.[12]

Some major United States cities now have black majorities and others soon will. A 1973 study by the Joint Center for Political Studies identified seven majority-black cities and another twenty-eight with more than 40 percent black population. The great majority of American cities have a substantial white majority but frequently the level of minority public school enrollment is far higher than the minority proportion of the population. While blacks are occupying larger and larger areas of central cities, they are not controlling them in the way their former occupants did. Their rate of home ownership, for example, remains very low and mortgage lending institutions commonly withdraw conventional sources of financing from neighborhoods as their racial composition changes. The federally subsidized home-ownership program was suspended amid massive scandals in 1973 and the effort to create black lending institutions has met with very little success. The growing number of black mayors often find that the cities they speak for no longer command great economic and political power in state capitals and Washington. They now lead financially troubled cities, largely abandoned both by business and the middle class, and increasingly seen as dumping grounds for the poor, chronically dependent on outside aid.[13] Too often black leaders win control of empty shells.

Although many of the older large central cities are becoming increasingly minority dominated, it might still be true that segregation at a neighborhood level was significantly diminishing. Supporters of federal, state, and local fair-housing laws hoped that they would end the racially exclusive character of suburban neighborhoods and significantly alter the pattern of monolithic ghetto expansion. An index of residential segregation calculated with 1970 census data, however, lends only slight support to this hope. The analysis of patterns of residential segregation in 109 United States cities on a block level showed that in eighty of the cities at least four-fifths of the black residents would still have had to

[12] Ibid., pp. 1–7; U. S. Bureau of the Census, *Current Population Reports*, "Estimates of the Population of the United States, by Age, Sex, and Race: April 1, 1960 to July 1, 1973" (Washington, D.C., 1974), p. 76.

[13] Ross K. Baker, "The Ghetto Writ Large: The Future of the American City," *Social Policy*, Vol. 4 (January–February 1974), 25–30.

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move to achieve a random racial distribution of residential patterns. The index of segregation of nonwhites from whites had declined by at least 5 percent during the 1960s in forty-six of the cities studied, while segregation became more intense in only ten cities.[14] In most cases where significant changes appear to be taking place there was either an unusually low percentage of black population or the community had a very heavy black population and was widely seen as an area in transition to ghetto status.

The hope that this modest change in residential patterns would make much difference for school segregation was substantially deflated by an analysis of population trends over the past three decades in the central cities and inner suburban rings of twenty-nine large metropolitan areas accounting for 40 percent of the nation's population in 1970. While the percentage of black residents in the suburbs rose modestly around New York, Los Angeles, and Miami, it actually went down in the communities surrounding Detroit, Kansas City, and New Orleans. While five of the areas had suburban rings with more than 10 percent black population in 1950, only two did in 1970. In the suburbs around two major midwestern cities with severe school segregation problems, Indianapolis and Milwaukee, the black suburban population was only one-fifth of 1 percent. While the inner suburbs averaged only 6.3 percent black student enrollment, the central city figure had jumped to 42 percent and almost one-third of the inner cities studied had systems with more than 60 percent black enrollment by 1970.[15] Even the modest improvement in the residential segregation index, according to one leading authority, must be given a "cautious interpretation."

> Since the index is a cross-sectional assessment of segregation, it is influenced by a rapid growth of the black population. That is, if many neighborhoods undergo a transition from white to black, they will be integrated for a period of years and this increase in the number of transitional neighborhoods will reduce the value of this index.
>
> Trends in racial residential segregation . . . do not presage school integration. The nation's neighborhoods are apparently almost as segregated now as they were thirty years ago. If present trends persist, neighborhood schools will continue to be racially segregated.[16]

[14] Annemette Sørensen, Karl E. Taeuber, and Leslie J. Hollingsworth, Jr., "Indexes of Racial Residential Segregation for 109 Cities in the United States, 1940 to 1970," *Institute for Research on Poverty Discussion Papers* (Madison, Wisc., 1974), pp. 7–9.

[15] Albert I. Hermalin and Reynolds Farley, "The Potential for Residential Integration in Cities and Suburbs: Implications for the Busing Controversy," *American Sociological Review*, 38 (October 1973), 597–601.

[16] Reynolds Farley, "Residential Segregation and Its Implications for School Integration," unpublished paper (July 1974), p. 3.

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Government Responsibility for Segregation

Although governmental action by no means bears the full responsibility for metropolitan segregation, the power of the federal, state, and local governments was invoked on behalf of segregation throughout the basic period of the development of the ghetto system and the construction of the early post-World War II suburbs. Although the Supreme Court ruled in 1917 that the ordinances of a number of cities openly zoning neighborhoods on racial lines are unconstitutional, state and local governments soon found highly effective alternative ways to support private discrimination organized by the real estate industry.[17] Some southern cities even continued to enforce their unconstitutional ordinances.[18]

The basic device was the restrictive covenant, an agreement among initial property owners, written into the deed of the property. The covenants which forbade sale of the property to blacks and other locally unpopular minorities gained great power because they could be enforced through litigation in the state courts. The covenants often were reinforced by school zoning decisions intended to keep schools segregated. Widespread violence and intimidation which commonly appeared when blacks attempted to obtain housing outside the ghetto were abetted by the general policy of refusing local police protection to black families attempting to occupy their residences outside black communities. These public policies played a basic role in creating the ghetto system when substantial black migration from the South began between 1910 and 1920.

The effect was clear, for example, in Chicago. As late as 1910, the nation's second city still had blacks living in small scattered pockets. The city's Italian population was more segregated.[19] During the next decade the city's black population tripled, and a terrible wartime housing shortage intensified the force of the segregationist policies. Black rents rose as much as 25 percent above the white market. Accumulating housing tensions helped fuel the city's 1919 race riot, where more than thirty-eight people died and hundreds of others were injured. The purchase of homes outside the ghetto by blacks led to bombings, while whites remaining inside were driven out by escalating racial tension and the high cost of ghetto housing.[20] By 1920, Chicago and other major cities had large, rigidly defined, and almost completely segregated ghettos. A major study concludes:

[17] *Buchanan* v. *Warley*, 245 U. S. 60 (1917).

[18] Loren Miller, *The Petitioners* (Cleveland, 1967), pp. 250–251.

[19] Allan H. Spear, *Black Chicago* (Chicago, 1967), pp. 14–19.

[20] William Tuttle, Jr., *Race Riot* (New York, 1970), pp. 161–167; Spear, *Black Chicago*, pp. 217–221.

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> The development of the physical ghetto . . . was not the result chiefly of poverty; nor did Negroes cluster out of choice. The ghetto was primarily the product of white hostility. . . . As the Chicago Negro population grew, Negroes had no alternative but to settle in well-delineated Negro areas. And with increasing pressure for Negro housing, property owners in the black belt found it profitable to force out white tenants and convert previously mixed blocks into all-Negro blocks.[21]

When the collapse of the private housing market brought the government massively into the housing business in the New Deal period, the new federal agencies adopted and reinforced the racial practices of the real estate and mortgage lending industries. As banks collapsed and people rushed to withdraw money from still-solvent institutions, funds for mortgage finance evaporated and banks were forced to call many of the short-term renewable mortgages then widely used. Mounting unemployment brought a widespread defaulting on mortgage payments. Foreclosures reached record levels and there was no money for new construction.

The federal government intervened decisively to revive the industry through two extremely successful insurance programs. Federal insurance for bank deposits and federal regulation of insured banks eliminated the risk of loss for depositors. Federal Housing Administration (FHA) mortgage insurance eliminated the lending institution's risk in providing mortgage financing for properties meeting FHA standards. The assets of savings and loan associations, a dominant source of mortgage money, multiplied more than 200 times in the sixteen years after the federal deposit insurance system began. By 1960, they had invested $67 billion, mostly in home mortgages.[22]

FHA mortgage insurance revolutionized home financing by guaranteeing payment on mortgages which met the agency's standards of housing quality and appraised market value. With risk eliminated, lenders were willing to accept lower interest rates and much longer periods of repayment. These changes substantially cut the size of monthly payments, helping millions of Americans become home owners. Since approval for FHA financing greatly expanded the potential market for a new development, builders complied with the agency's intricate quality standards. At the same time, FHA became the leading force in rationalizing national home appraisal practices. Within a year of its creation, FHA was insuring 40 percent of new home mortgages. Home building had doubled and mortgage costs were at an all-time low.[23]

[21] Spear, *Black Chicago*, p. 26.

[22] U. S. Commission on Civil Rights, *Housing* (Washington, D. C., 1961), p. 61.

[23] U. S. Federal Housing Administration, *Annual Report* (Washington, D.C., 1935), p. vi.

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As the government emerged as the decisive force in the massive but highly fragmented housing and home finance industries, it adopted a segregationist policy and refused to insure projects that did not comply. The common wisdom of the white realtors and appraisers was that integration inevitably damaged property values. Although there was no evidence for this assumption, it became official policy for FHA appraisals. The FHA shaped the housing market through policies spelled out in successive revisions of its *Underwriting Manual*. The manual was one of those decisive but little-known bureaucratic documents which help form American civilization. It compelled FHA officials to prevent fiscal risk by requiring effective guarantees against "inharmonious racial groups." Appraisers were told to look for physical barriers between racial groups or restrictive covenants. "Incompatible racial elements" was officially listed as a valid reason for rejecting a mortgage.[24]

While the FHA provided extremely important services for young white families, blacks were viewed only as a liability on an appraisal balance sheet. Other FHA policies deepened the discriminatory impact. Since it was easier to accurately appraise the value and life expectancy of housing in new developments of similar units, the FHA refused insurance for mortgage commitments in large areas of central cities which it judged to be deteriorating and to have uncertain future value, thus channeling funds and buyers outward and denying federal assistance for the only housing on the black housing market.

The New Deal period also saw the first small and tentative efforts to construct public housing for a fraction of the millions of families still priced out of the private housing market. The Public Works Administration eventually built fifty-one projects, readily accepting the policy of segregation. Congress reinforced the localism of the early experiments in 1937 when it set up a public housing agency largely limited to financing projects in which local authorities made most of the decisions. Federal officials were considered bold to even enforce a separate-but-equal policy requiring that black projects get a proportionate share of the units built.[25]

When Congress finally committed the country to a permanent housing program in 1949, it set off major political battles over the location of the new public housing it authorized. Blacks needed housing most urgently and their need was to be intensified by the large-scale destruction of ghetto housing authorized by the slum clearance sections of the 1949 law.

[24] Rose Helper, *Racial Policies and Practices of Real Estate Brokers* (Minneapolis, 1969), p. 202.

[25] Richard Resh, *Black America* (Lexington, Mass., 1969), pp. 104–105; Martin Meyerson and Edward C. Banfield, *Politics, Planning and the Public Interest* (New York, 1964), p. 121.

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Rapid construction of housing would logically have employed vacant sites available at reasonable costs in the outlying areas of cities. These areas, however, were white. The issue came to a head in a period of tense race relations and widespread racial turmoil intensified by rapid black urbanization during World War II, a time of acute general urban housing shortages. As in World War I, the wartime boom brought whites and blacks pouring into cities during a period when there was virtually no new housing construction. Bombings and violence against black "invasions" of white areas were commonplace. In Birmingham, Alabama, the city fathers actually set up a fifty-foot "no man's land" between white and black neighborhoods on the town's west side.[26]

Federal officials adopted a policy of "local option" on segregation in the new projects. The policy produced pervasive segregation of residents in buildings constructed on segregated sites. Instead of increasing the black housing supply, frequently the net effect of the new urban programs was to diminish it, since more black housing units were eliminated for "slum clearance" than were constructed under the public housing programs. The record was particularly dismal within the urban renewal program. By 1967, about 400,000 units of housing had been destroyed in urban renewal areas, displacing a great many poor black families. Less than 3 percent of these units had been replaced by new public housing within the renewal areas.[27]

When black public housing was constructed the projects usually offered a concentrated and intensified version of ghetto life. In order to maintain segregation the local public housing authorities usually purchased and cleared expensive, intensely used ghetto land. Since the site cost was so high, the planners could stay within federal per-unit cost ceilings only by constructing high-rise buildings. Many housing experts knew from the start that high-rise buildings with hundreds of apartments built on ghetto sites were unsuitable for families with small children. As the policy of constructing "vertical ghettos" unfolded, thousands of black families desperate for decent housing found themselves trying to survive in the midst of social chaos and even physical terror.[28] The environment, of course, was one of almost absolute racial separation.

Although the public housing program left some dismal monuments on

[26] Charles Abrams, *Forbidden Neighbors* (New York, 1955), pp. 86–87.

[27] National Commission on Urban Problems, *Building the American City* (Washington, D.C., 1968), p. 163.

[28] See Lee Rainwater, *Behind Ghetto Walls: Black Families in a Federal Slum* (Chicago, 1970), for a description of the social conditions affecting the 10,000 people who lived in the massive Pruitt-Igoe project in St. Louis. See also William Moore, Jr., *The Vertical Ghetto* (New York, 1969).

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the urban landscape, it was a relatively small effort. The urban renewal experience was more devastating. Financially strapped central cities often forgot the social goals of the program in a futile rush to escape the vicious cycle of urban deterioration and escalating costs. To get the projects moving, local officials often certified that replacement housing was available for poor blacks when there was none. Federal officials who knew they were lying accepted their assurances and provided funds.[29]

The definition of successful renewal became efficient removal of blacks from an area and their speedy replacement by higher-income whites or businesses. Local officials chased after the chimera of a restored tax base while pushing black families from terrible housing conditions in old deteriorated areas to terrible housing units, which cost more, in nearby deteriorated areas. "It was all legal and proper," Charles Abrams wrote. "Wrecking a Negro's building no longer had to be done by a mob. Here was a way to do it constitutionally."[30]

Federal housing and renewal policies respected the fragmentation of local power in metropolitan areas. Very few suburban communities built public housing and some even used the urban renewal program to wipe out small pockets of long-time poor black residents. Most of all, however, the FHA and Veterans Administration (VA) mortgage insurance programs shaped and reinforced the racial and economic segregation of suburbia. FHA appraisers required assurances that insured properties "shall continue to be occupied by the same social and racial group." The agency even drafted a model restrictive covenant and urged its adoption. Private developers who wanted to sell without discrimination met unending bureaucratic delays.[31]

The FHA policy was so deeply rooted that it continued in effect for a time even after the Supreme Court's 1948 ruling against restrictive covenants. Even when the formal policy changed, the operating assumptions within the program were largely untouched. After the Court struck down judicial enforcement of the covenants, the FHA at first maintained that administrative agencies still had the right to insist on segregation. After the FHA announced in 1950 that it would insure no more homes with new covenants, realtors soon learned that the agency had no objection to "gentlemen's agreements." FHA did not probe beneath the surface of new covenants requiring approval of sales by a group of neighbors, screening by the board of a community club, options to repurchase property, and other devices.[32] The Veterans Administration had a similar record, with

[29] Charles Abrams, *The City Is the Frontier* (New York, 1967), chap. 8.

[30] Abrams, *Forbidden Neighbors*, pp. 112, 242–246.

[31] Eunice Grier and George Grier, *Equality and Beyond* (Chicago, 1966), pp. 54–55.

[32] National Committee Against Discrimination in Housing, *Trends in Housing*, August 1956; Richard O. Davies, *Housing Reform During the Truman Administration*, (Columbia, Mo., 1966), pp. 124–125; Abrams, *Forbidden Neighbors*, pp. 224–225.

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nonwhites holding only 2 percent of its guaranteed mortgages in 1950. The extremely favorable VA program allowed families to become home owners with virtually no downpayment, but black veterans generally were denied the opportunity to obtain inexpensive new housing and thus begin building an equity.

While there were rhetorical changes in the programs during the 1950s, a massive 1958 study concluded:

> Indirectly, Federal policies have stimulated segregation in two important ways. The changes in the housing industry which have so largely increased the power of private builders to determine community patterns . . . have been made possible by Federal mortgage insurance systems. The FHA and VA policies of giving commitments to insure the mortgages on entire housing tracts in advance of construction provide the necessary basis for corresponding advance commitments of financing by lending institutions, thus enabling builders to construct hundreds and even thousands of houses. . . .
>
> The other indirect Federal support of segregation has been the moral sanction given to the racial discrimination practices of private business. . . . Federal agencies . . . aside from verbal pronouncements for equality, continue to tolerate the discriminatory practices of those who distribute Federal benefits.[33]

The first significant action against discrimination in federal housing programs did not come until 1962, when President Kennedy signed an executive order on the subject. The order, however, was narrowly drafted to cover only a limited segment of the housing industry and to exclude the regulation of federally supervised mortgage lending institutions. Only a tiny staff was provided to oversee the policy's implementation and sanctions were almost never invoked. In 1967, a study by a fair-housing group testing the extent of actual access of potential black buyers to FHA insured housing concluded that virtually nothing had changed. When the FHA finally conducted its own national survey of the race of those benefiting from its programs, it made similar findings. The agency's deputy commissioner, Philip Maloney, reported in late 1967 that in "a number of large urban centers . . . virtually no minority family housing has been provided through FHA."[34]

During the half-century when the ghetto system was consolidated and the basic structure of suburbia set, the federal government was a powerful force for segregation. As the dominant economic force in the housing and home finance industries after the early 1930s, the government underwrote the industries and reshaped the way they operated. Governmental

[33] Commission on Race and Housing, "Where Shall We Live," reprinted in William L. C. Wheaton, Grace Milgram, and Margh Ellin Meyerson (eds.), *Urban Housing* (New York, 1966), p. 281.

[34] National Committee Against Discrimination in Housing, *How the Federal Government Builds Ghettos* (New York, 1967); *Congressional Record* (1967), p. S15456.

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standards not only influenced that part of the market directly participating in federal programs, but also profoundly affected the way the rest of the business worked. In a highly fragmented industry dependent on federal support with many thousands of builders, realtors, lenders, salesmen, and rental agents, federal standards had a powerful national impact. The record of this half-century can only be read as a powerful and persistent use of public power to segregate American cities.

Governmental Action and School Segregation

The record of official action on behalf of school segregation in urban communities is less clear and less dramatic because federal agencies played only a very minor role in educational policy during this period. The actions which shaped the racial patterns of the schools were overwhelmingly local ones. Until the recent past there was relatively little serious investigation of the racial history of city school decisions. Now, as increasing numbers of cases are filed in which civil rights lawyers allege intentional official action to intensify educational segregation, the necessary research is being conducted in city after city. With striking uniformity, the research is producing evidence sufficient to persuade federal courts that local school boards in the North and West are guilty of a history of *de jure* segregation. In the first years of serious urban litigation, this conclusion has been reached by state and federal courts in cases in Detroit, Los Angeles, parts of New York City, Denver, San Francisco, Las Vegas, Boston, Indianapolis, and a number of other cities. The records of these cases are replete with evidence of racial gerrymandering of attendance lines, overcrowding of minority students while there is empty space in white schools, selection of school sites intended to intensify segregation, student assignment policies which allowed white students to transfer out of integrated schools, and a variety of other local actions.[35]

Given the intense level of housing segregation, even a neutrally administered neighborhood assignment policy would obviously often lead to a high level of segregation. The fact is, however, that school authority has commonly been used not to alleviate the consequences of housing segregation, but to intensify them, making maintenance of integrated

[35] For examples of the findings, see the following cases: *Black and White Children of Pontiac School System* v. *School District of City of Pontiac*, 464 F. 2d 1030; *Bradley* v. *Milliken*, 345 F. Supp. 914; *Johnson* v. *San Francisco Unified School District*, 339 F. Supp. 1315; *U. S.* v. *Board of School Commissioners of City of Indianapolis*, 322 F. Supp. 655, 474 F. 2d 82. Also, for a more complete description of the problems of school desegregation see the preceding article, "The Supreme Court and School Desegregation: Twenty Years Later," by Harrell R. Rodgers, Jr.

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neighborhoods extremely difficult and denying an integrated education to children who lived in reasonably close geographic proximity.

The Legal Obligation to Remedy Segregation

Under the Fourteenth Amendment it is a violation of the constitutional requirement of "equal protection of the laws" to use the power of state and local governments to impose racial segregation or to deny program benefits on the basis of race. The Fifth Amendment extends a similar prohibition to the federal government, a prohibition given additional force by Title VI of the 1964 Civil Rights Act, which forbids provision of federal programs on a discriminatory basis. As the federal courts have begun working through cases on urban segregation, there have been a number of attempts to devise appropriate remedies for serious violations of the constitutional rights of blacks by both local and national agencies. At this point the basic lines of the judicial response to the problem of urban school segregation are relatively clear but the courts are still in the early stages of development of the housing issues.

After many years of ambiguity and uncertainty, the basic structure of the judiciary's response to the school issue was laid out in three major decisions in 1971, 1973, and 1974. The first case, *Swann* v. *Charlotte-Mecklenburg*, concerned the future of the largest school system in the Carolinas. In this district, as in other southern cities, local school officials argued that once they ended the policy of officially designating black and white schools and changed to a neighborhood school policy, they had fulfilled their obligation to desegregate. Civil rights groups, on the other hand, argued that it would be a mockery to permit southern cities to respond to the long struggle for desegregated education by simply telling black students that their schools were now segregated *de facto* rather than *de jure*.

In a sweeping unanimous opinion, the Supreme Court held that the southern urban communities with a history of segregation under law had a responsibility to do whatever was necessary to produce actual desegregation. In these circumstances, the Court ruled, there was a constitutional "presumption against schools that are substantially disproportionate in their racial composition." The Court recognized that "awkward, inconvenient and even bizarre" remedies might be necessary.[36] The decision gave lower federal courts very broad discretion to devise remedies. Extensive busing was approved for this large metropolitan district. The only limitations were declarations that plans should not interfere with a child's health or education and that the courts need not make further

[36] *Swann* v. *Charlotte-Mecklenburg*, 402 U. S. 1 (1971).

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adjustments in racial balances once "racial discrimination through official action is eliminated from the system."[37]

The decision made a very rapid impact on southern cities and its implications for northern school systems soon began to be felt. In the South, federal courts quickly ordered implementation of desegregation plans requiring substantial busing in Texas, Virginia, Tennessee, Florida, Mississippi, Georgia, and elsewhere.[38]

The Courts Require Urban Desegregation

The Charlotte case was the second major step forward in school desegregation law, since the litigation began in the early 1950s, where the Supreme Court moved strongly forward without the support of the executive branch. In 1969 the Court had overruled the Nixon administration on the timing of desegregation in Mississippi. In the Charlotte case, it went further, directly confronting and rejecting Justice Department arguments and presidential policy opposing desegregation of the urban South. While the White House was ordering executive branch officials to oppose busing and to deny federal funds for student transportation even when the local district requested them to implement a court order, the federal courts were beginning to carry the issue into the North and West. The Charlotte case said that if a district was intentionally segregated, federal courts could do anything reasonable to force desegregation. Now, judges in the North and West began to conclude that systems they were examining were also intentionally segregated. In response, they ordered implementation of large busing plans.

From 1954 to 1973 the Supreme Court had never decided a northern school desegregation case. Finally, the Court accepted for review the Denver school case. In its June 1973 decision the Court substantially eased the burden of proving *de jure* segregation outside the southern and border states, thus opening the way for extensive litigation.

In *Keyes* v. *Denver School District No. 1*, the Court concluded, by a seven-to-one majority that civil rights groups did not have to undertake the prohibitively difficult and expensive job of proving that the schools in all parts of an urban system had been intentionally segregated. The Court held that "racially inspired school board actions have an impact beyond the particular schools that are the subjects of those actions."[39]

In the *Keyes* case the Court also came to terms for the first time with the segregation of the nation's second largest minority group, Chicanos.

[37] Ibid.

[38] *Race Relations Law Survey*, vol. 3, contains many reports of such orders.

[39] *Keyes* v. *Denver School District No. 1*, 93 S. Ct. 2686 (1973).

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In its decision the Court held that the situation of Mexican-American children was essentially analogous to that of blacks and that they were entitled to similar protection against intentional segregation. The Court said that "Hispanos and Negroes have a great many things in common" and that, in Denver, they "suffer identical discrimination in treatment when compared with the treatment afforded Anglo students." The Court also held that the Mexican-American students constituted a separate "identifiable class for purposes of the Fourteenth Amendment."[40] Thus the Court determined that segregated Chicanos were the victims of unconstitutional segregation and that they should be treated as a separate third group in devising a triethnic desegregation plan. This decision was immensely important to numerous cities in the Southwest and in California where Mexican-Americans typically constitute the largest, most deprived, and most rapidly growing minority group. If the courts applied similar reasoning to Puerto Rican and Cuban students, a number of eastern cities and Chicago would be affected.

After the Charlotte and Denver cases, civil rights lawyers knew that if they had the resources to handle the litigation and to do the necessary research they could obtain desegregation orders in virtually any substantial southern or northern city. In the South segregation was *de jure* by definition; in the North it was presumed to be *de jure* once violations could be shown in a significant section of town. In either case, the courts were now under clear instructions to promptly accomplish desegregation by taking whatever steps might be necessary.

The Metropolitan Question

One major question remained: Where desegregation was no longer possible as a practical matter in heavily minority school districts, did the courts have the power to remedy Constitutional violations by the central city school officials by ordering desegregation across school district lines? Although a great many American cities could still be desegregated on the basis of majority-white schools within the central city, a number of the largest and most important cities already had entire school systems that had become "racially identifiable."

The issue exploded as a national controversy after federal district judges handling the Richmond and Detroit desegregation cases concluded in late 1971 and early 1972 that metropolitan desegregation was the only workable remedy. Both districts already had about two-thirds black enrollment and the judges could see no way to achieve a desegregation plan that would work within the city boundaries. In both cases the central

[40] Ibid.

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city school boards urged the courts to devise a metropolitan desegregation plan. Yet, in both cases, it was clear that the cities were guilty of a history of unconstitutional segregation. Thus the courts were under an obligation to promptly forge a remedy.

The issue was a particularly dramatic example of a kind of conflict frequently encountered in a federal system, between federal action to protect the rights of a minority group under the Constitution and the assertion of a very broadly supported right of local autonomy. Local control is particularly praised in the operation of school systems in spite of the fact that many state governments actually dominate school financing and even impose curricula and evaluation requirements. In both cases the district judges concluded that the need to correct school segregation violations overrode the suburban desire for autonomy. In the Richmond case, the district court concluded:

> . . . school district lines within the state are matters of political convenience. The claim that the defendant counties have a right to keep their separate systems to be utilized solely by residents of the respective counties has little merit in the face of past discriminatory practices on the part of all of the defendants. Such a contention, buttressed by the historical facts of gross discrimination against the blacks in almost all aspects of life, which have in the instant case proximately resulted in the white islands surrounding the City of Richmond, simply points up the immediate need for the relief sought.[41]

Both cases eventually reached the Supreme Court. The Court deadlocked four to four on the Richmond case and could not reach a decision.[42] A narrowly divided Court overturned the proposed Detroit metropolitan area desegregation plan five to four in July 1974. The Court held that the concern for autonomous local educational systems must override the effort to desegregate the children of Detroit. Sharply rejecting the idea that school district boundary lines were "no more than arbitrary lines on a map 'drawn for political convenience,' " the Court emphasized the importance of the tradition of educational localism:

> No single tradition in public education is more deeply rooted than local control over the operation of schools; local autonomy has long been thought essential both to the maintenance of community concern and support for public schools and to quality of the educational process.[43]

The Court pointed out the immense practical difficulties of coordinating the management and financing of the fifty-four school districts that

[41] *Bradley* v. *School Board of City of Richmond*, 338 F. Supp. 67.

[42] *Bradley* v. *School Board of City of Richmond*, 9 S. Ct. 936 (1973).

[43] *Milliken* v. *Bradley*, partial text of opinion reprinted in *New York Times*, July 26, 1974, full opinion at 42LW5249.

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would be involved in the Detroit plan and said that implementation would force the federal judge to make a variety of legislative and administrative decisions that "few, if any, judges are qualified to perform." In order to obtain a metropolitan remedy, the Court said, the civil rights groups would have to show violations in the suburban districts, many of which contained virtually no black students, or racial motivation for the drawing of the district lines. Otherwise, the children of Detroit were entitled only to whatever desegregation plan could be fashioned within the city limits. In his concurring opinion, however, Mr. Justice Stewart who cast the decisive fifth vote, suggested that he might see the issue in a different light if it could be shown that state officials had contributed to segregation by "discriminatory use of state housing or zoning laws."[44]

The four dissenting justices pointed out that the decision to defer to local control meant that there would be no remedy at all for the black students in Detroit: "Deliberate acts of segregation and their consequences will go unremedied, not because a remedy would be infeasible . . . but because an effective remedy would cause what the Court considers to be undue administrative inconvenience to the state." Mr. Justice Marshall said that "the Court's answer is to provide no remedy at all for the violation proved in this case, thereby guaranteeing that Negro children in Detroit will receive the same separate and inherently unequal education in the future as they have been unconstitutionally afforded in the past."[45]

In the South, the drive to enforce civil rights had required great expansion of federal power over such previously sacrosanct areas of state authority as the establishment and enforcement of voter registration requirements and methods of assigning students and teachers to schools. The situation in Detroit and a number of other northern cities suggested that significant enforcement of civil rights would require some far-reaching modifications of the structure of local government itself. Segregation existed on such a vast scale that the courts faced the unhappy choice between denying constitutional rights and infringing strongly on some of the strongest traditions of American federalism.

Housing Segregation Litigation

Extensive school litigation in the late 1960s and early 1970s had done a great deal to spell out the remedies available for school segregation, but the courts were only beginning to work out the consequences of the nation's history of intentional housing segregation. Civil rights organizations were exploring a number of issues in individual cases, attempting

[44] Ibid.
[45] Ibid.

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to invoke judicial power to strike down suburban zoning requirements that excluded lower-income residents, to force local authorities to remedy their past action in intentionally segregating public housing, and to try to force both federal and local agencies to weigh the racial consequences of all the program decisions and proposed projects influencing the pattern of urban development.

As the 1970s began, there was considerable hope among civil rights lawyers that the courts would move to sharply limit the authority of individual suburban governments to exclude low- and moderate-income housing, and thus the great majority of black residents, from their communities. Some lower courts did strike down restrictive land use requirements but the Supreme Court did not prove responsive to this line of attack. In 1971 the Court upheld the requirement of California state law for a referendum before public housing could be constructed, even though the housing had been approved by the local government and even though no other form of housing was subject to this extraordinary procedure. Mr. Justice Black, writing for the Court, upheld the referendum as a healthy example of local democracy.[46] In a 1974 zoning case, Mr. Justice Douglas wrote in defense of broad local powers to regulate the nature of the local community. In defending an ordinance against renting houses to groups in a village on Long Island, Douglas praised the effort to preserve the isolated quality of the community:

> A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land use project addressed to family needs. This goal is a permissible one. . . . The police power . . . is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion, and clear air make the area a sanctuary for people.[47]

While the Supreme Court would clearly strike down a zoning ordinance which could be shown to be intended to exclude residents on the grounds of race, it has shown very little disposition to searchingly examine zoning policies and other land-use and property regulations which exclude people on the basis of economic status and thus, indirectly, reinforce racial segregation. Its decisions assume local exclusionary actions are taken in good faith unless there is compelling evidence to the contrary. This puts an exceedingly heavy burden on civil rights groups.

On other housing and urban development issues, federal Courts of Appeals in some sections of the country have found both localities and the Department of Housing and Urban Development guilty of unconstitutional segregation and ordered them to remedy it. In Chicago, the city

[46] *James* v. *Valtierra*, 91 S. Ct. 1331 (1971).
[47] *Village of Belle Terre* v. *Boraas*, 42 LW 4475 (1974).

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government and HUD were forced to move from the policy of constructing high-rise ghetto public housing projects to scattered site low-rise construction. In 1974 the Chicago Housing Authority was ordered to remedy the impact of discrimination by constructing some of its public housing in the suburbs. In Philadelphia HUD was ordered not to construct projects that had the effect of increasing racial segregation.[48] Since the decisions were not appealed to the Supreme Court, neither decision was given national application.

Limits of Judicial Remedies

While the courts possess very substantial potential powers to remedy school segregation and some sources of potential influence on housing segregation, there are important limitations in each area. School desegregation is limited, in the first instance, by the immense burden on civil rights organizations in litigating these cases. Prosecuting a case through the initial proof stage and then the remedy hearing and the predictable appeals can consume hundreds of thousands of dollars of legal time in a major city as well as the scarce resource of aid from some of the few lawyers who specialize in the field on a national basis. The recent action of Congress in establishing the new Legal Services Corporation has removed one important source of assistance by denying legal services lawyers the right to file school desegregation cases. These offices had filed a number of suits and legal services money had financed important backup research. Second, courts do not have the administrative machinery to effectively design and supervise massive desegregation plans. Third, experience suggests that in the face of intense public resistance, the courts can rarely succeed in imposing a controversial policy requiring the cooperation of local administrators for successful implementation. Real change on the difficult issues in the South came only when Congress created powerful machinery overriding local power and moving away from the case-by-case procedure toward general requirements.

The obstacles to judicial reform are much more formidable in the field of housing segregation. Unlike public school systems, the housing market is very fragmented and largely shaped by private realtors, rental agents, mortgage finance officials, and others. In any community there are many decision makers whose choices help form racial patterns. Direct public authority in operating housing generally is limited to public housing programs, which have been largely frozen since January 1973. Since the late 1960s the federal government has been responding to criti-

[48] *Shannon* v. *HUD*, 436 F 2d 809; *Gautreaux* v. *Chicago*, 3 *Race Relations Law Survey* 68; *Gautreux* v. *Romney*, 3 *Race Relations Law Survey* 231.

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cism of the failings of public housing programs by putting increasing reliance on the private market to provide housing that will then be subsidized by the government for low-income tenants. Some analyses show that both these programs and the new proposal for putting principal reliance on "housing allowances" which go directly to the subsidized individual will have the consequence of intensifying segregation through reliance on brokers operating in separate and segregated housing markets.[49] Not only are minority buyers and renters under these subsidy programs usually confined to deteriorating central city areas, but they frequently are charged very high prices for virtually worthless housing they cannot afford to maintain.[50] Significant change in housing policy would require not merely the striking down of some of the barriers to suburban access but also positive programs, money, and probably area-wide administrative machinery.

Governmental Fragmentation as a Barrier

The powerful influence of the existing structure of fragmented governmental power in preventing desegregation can be easily understood by considering the very different nature of the metropolitan school desegregation problem in various parts of the country. In some states the problem is merely one of desegregating a single countywide school district; in other metropolitan areas of the same size scores of independent jurisdictions must be involved. In Charlotte, most Florida cities, Nashville, Las Vegas, Greenville, S. C., and a number of other cities, a single school district contains a broad diverse population base, the base necessary for achieving relatively stable integration with predominantly white middle-class schools. Black students in other, similarly sized, metropolitan areas must continue to attend ghetto schools, even though their constitutional rights have been equally violated and their bus ride to an integrated school would be no longer. In many metropolitan areas, then, the very structure of local government compounds the problem of segregation. In the cities with metropolitan school systems it is in the vested interest of those who hold political and economic power to try to stabilize desegregation and make it work. Most of the Florida countywide urban districts, for instance, have achieved stable desegregation. In frag-

[49] U. S. Commission on Civil Rights, *Hearing Held in Washington, D.C.*, June 14–17, 1971; Arthur P. Soloman and Chester G. Fenton, "The Nation's First Experience with Housing Allowances: The Kansas City Demonstration," Joint Center for Urban Studies, Working Paper No. 23, October 1973.

[50] See Leonard Downie, Jr., *Mortgage on America* (New York, 1974), and Brian O. Boyer, *Cities Destroyed for Cash: The FHA Scandal at HUD* (Chicago, 1973).

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mented metropolises it is in their vested interest to fight for local autonomy and deny responsibility for segregation.

Governmental fragmentation means, of course, fiscal fragmentation. The impact of segregation is intensified by the fact that the segregated districts also bear disproportionate burdens for other governmental services and have to draw resources from a declining economic base. On the average, 40 percent more central city than suburban residents earned less than $3000 annually in 1970. Home and rental values, the basis of property taxation, increased only half as fast in the central cities during the 1960s. The crime rate was twice as high in 1970. While cities spent two-thirds or more of their budgets for nonschool expenditures, suburbs spent less than half. City residents were paying 30 percent higher per capita taxes for inferior services. State aid formulas still tended to be biased in favor of suburbs.[51] Recently, rapidly growing suburban power in Congress has spurred revision of the formulas in federal education, community development, and other programs in a way which distributes more money to suburbs.

The pattern of economic development strongly suggests that the discrepancies will intensify. During the period from 1958 to 1967, manufacturing jobs grew almost five times faster in the suburbs, retail jobs eight times as fast, and wholesale trade jobs eleven times as fast. A 1974 Census Bureau report showed that only one city, Houston, in fourteen of the largest metropolitan areas showed a substantial gain in jobs from 1969 to 1973. Houston, of course, had been able to continue expansion of its boundaries through annexation. The other relatively healthy city was Los Angeles, whose boundaries include huge areas that would be suburbs in older cities of the East or Midwest. Four of the five largest cities had substantial job losses during the period, with New York, Chicago, and Philadelphia losing 6–7 percent of their job base and Detroit losing a staggering 19.4 percent of its employment in four years. Milwaukee lost one job in twelve; St. Louis, one in eleven; and Baltimore, one in nine. The decline was particularly devastating in manufacturing jobs, which are crucial for minority workers since they require minimal skills but pay substantial unionized wages. Between 1967 and 1972 Philadelphia and St. Louis lost about one-fifth of their manufacturing jobs, while in New York, Washington, Baltimore, and San Francisco manufacturing employment fell one-eighth or more.[52]

The Supreme Court not only refused to deal with the problem of

[51] Advisory Commission on Intergovernmental Relations, *Regional Decision Making*, p. 7.

[52] Ibid.; Michael Stern, "Continued Job Declines Threaten City Economy," *New York Times*, July 21, 1974, pp. 1, 40.

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racial segregation in metropolitan areas but it also rejected efforts to invoke judicial power to equalize financial resources for education. In its 1973 decision, *San Antonio Independent School District* v. *Rodriguez*, the Court rejected the argument that the Constitutional provision for "equal protection of the laws" forbade the operation of public education under the system of enormous fiscal disparities found in most states and metropolitan areas. The Court held that "education . . . is not among the rights afforded explicit protection under our Federal Constitution." In addition to discussing many difficult issues implicit in the litigation, the Court emphasized the importance of maintaining the traditions of federalism and local control. "It would be difficult," the majority held, "to imagine a case having a greater potential impact on our federal system than the one now before us, in which we are urged to abrogate systems of financing public education presently in existence in virtually every State."

> . . . In part, local control means . . . the freedom to devote more money to the education of one's children. Equally important, however, is the opportunity it offers for participation in the decision-making process that determines how those local tax dollars will be spent. Each locality is free to tailor local programs to local needs.[53]

Under the doctrines set forth in the Detroit case and the school finance decisions, poor segregated districts in central cities or older deteriorating suburbs had the same right as affluent suburban districts to "desegregate" their students within district lines or to undertake educational experiments. The fact that they did not have the necessary student composition to produce desegregation or the necessary financial base to finance innovation did not raise questions of a constitutional dimension. Federalism and local control were the prevailing values. In cases where modification of the structure of local government would be required, the courts were prepared, instead, to tolerate both segregation and inequality, unless it could be conclusively proven that the motive for establishing that whole structure of government was one of clear racial discrimination.

Prospects

While the refusal to face the issue of the racial consequences of governmental fragmentation surely presages increasingly intense segregation in a number of the largest metropolitan areas with huge minority populations, considerable change is still possible within the existing struc-

[53] *San Antonio Independent School District* v. *Rodriguez*, reprinted in *Congressional Record*, April 5, 1973, pp. E2148–49.

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ture. Although attention focuses on the largest cities with the most severe problems, a great many minority students are still attending segregated schools within predominantly white central city or suburban systems that could be desegregated under the principles of the *Keyes* decision. There is evidence that rapid black suburbanization is now beginning in areas adjacent to central city ghettos and there is an important question about whether action will be taken to prevent the extension of the ghetto school and housing systems into these newly affected communities.

There is no way to easily describe the enormous diversity of situations that confront American communities. Most states west of the Mississippi and north of the Mason-Dixon line, for instance, have very low percentages of minority students as do most of the New England states. In these areas very extensive desegregation can be accomplished without raising the issue of district boundary lines, at least not at this time. In 1970 only six northern states and no western state had as many as one-tenth black students. In twenty-two of the northern and western states, blacks average only 2 percent of total enrollment. The other significant minority groups are even more localized. The 1970 census showed only twenty-six communities in the United States with more than 100,000 black residents. These cities were very important to minority children, enrolling almost two-fifths of school-age blacks; a number of them had predominantly black school systems.[54] Nonetheless, most black children and the substantial majority of Chicano children live in more easily desegregatable districts. It is important to keep in mind that there are very few truly vast school systems which raise the kind of problems the Court faced in the Detroit litigation. The largest system, New York, is twice as big as the next largest district and ten times as big as the tenth largest system—Prince George's County, Md.—which is already desegregated.

A substantial majority of the 100 largest school districts in the United States still had less than 40 percent combined black and Spanish-surname enrollment in 1971. While these patterns are changing, there is obviously room for substantial desegregation. Black enrollments in a number of large central city systems already are peaking or actually declining as the ghettos push into the inner suburbs. In the Washington, D.C., metropolitan area, for example, more than one-third of the area's black children attended suburban schools by 1972.[55] The pattern offers

[54] *The American Almanac: The Statistical Abstract of the U. S.* (New York, 1974), table 190, p. 23.

[55] Senate Select Committee on Equal Educational Opportunity, *Hearings, Equal Educational Opportunity*, Part 3E, 91st Cong., 2nd Sess., 1970, pp. 2295–2296; HEW Data Management Center, "SMSA's Student/Teacher Data by Ethnicity," October 9, 1973.

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opportunities for significant change within existing legal principles, and this change could be greatly accelerated if the executive branch resumed enforcement of the 1964 Civil Rights Act's prohibition of expenditure of federal funds for school systems which discriminate.[56]

In the long run, however, the metropolitan issue is inescapable. If there is to be stable school desegregation in our older urban centers with their very fragmented structures of local government, there must be cooperation across district lines. This is even more true in the development of workable remedies for housing segregation. During the coming years, the country will face again and again the conflict between repairing unconstitutional segregation in central cities and a growing number of inner suburbs and altering assumptions about federalism and local control. If the past record is any guide, the answer will come ultimately not from the courts but from the political process. Few decisions about governmental structure will so profoundly shape the future of our society.*

[56] For an excellent summary of HEW's refusal to enforce the 1964 Civil Rights Act, see Center for National Policy Review, *Justice Delayed and Denied: HEW and Northern School Desegregation* (Washington, D.C., 1974); for the development of HEW policy in the South and an analysis of the 1965 battle to withhold aid funds from Chicago, see Gary Orfield, *The Reconstruction of Southern Education: The Schools and the 1964 Civil Rights Act* (New York, 1969).

* This article draws both on an ongoing Brookings Institution study of northern and western school desegregation, financed by the Carnegie Corporation, and on the author's ongoing research on the politics of federal policy making and enforcement on urban housing segregation issues. The views expressed here are those of the author and do not represent the views of the trustees, officers, or other staff members of the Brookings Institution.

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The German Janus: From *Westpolitik* to *Ostpolitik*

PETER H. MERKL

A quarter century of German foreign policies has passed during which three statesmen figured prominently in the reintegration of the successor states of the defeated German *Reich* among the nations of Europe. The late Konrad Adenauer presided over the rehabilitation of Western Germany and its incorporation, on a level of near equality, into the Western alliance (NATO) and into the European organizations from the Schuman Plan (ECSC) to the Common Market (EEC). This extraordinary feat of foreign policy was possible at the time only by a policy of resolutely ignoring all relationships, from hopes of German reunification to making peace, with the states of Eastern Europe. In East Germany meanwhile, the late Walter Ulbricht similarly cemented the East German Republic (DDR) into the Warsaw Pact and, in the 1960s, gave it a new identity as a nation-state in its own right with no expectation of eventual reunification and few contacts with the West. These solid fronts of the cold war era suddenly came to be questioned, when Willy Brandt launched his controversial *Ostpolitik* in his years (1969–1974) as the West German chancellor.

The controversies over the *Ostpolitik* still have not ceased swirling about related issues and various breakdowns and disappointments in the new relationships between Bonn and various Eastern capitals. In particular the established forces of the cold war era, the West German Christian

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Democratic Union/Christian Social Union (CDU/CSU) and the East German Communist party, the SED, as well as cold warriors elsewhere, became very alarmed at what to them appeared to be a sellout of hard-earned positions. Even some American Democrats today, who ought to know better, are asking themselves whether the price paid in recent years for detente with the Soviet Union has not been too high. Regarding Willy Brandt's *Ostpolitik*, in particular, the question arises as to how it fits into the broader picture of the West German *Westpolitik* and of the Western alliance as a whole. Now that the dust has settled and it can be viewed more soberly, we need to ask whether the *Ostpolitik* measures really implied such a basic reversal of earlier policies, or a departure irreconcilable with the enduring fabric of *Westpolitik*.

Antecedents of the Ostpolitik I

Our story begins with the confrontations in the CDU/CSU in the early 1960s, between the so-called Atlanticists and Gaullists, misleading labels that hide the bitter personal struggle between various heirs apparent to the late Konrad Adenauer. Despite their differences over particular policies, both camps had in common a desire to pursue a course more in keeping with a West German national interest that still had to be defined. Traditional German foreign policy for a hundred years had been looking both east and west, much like the two-faced Roman god, Janus. Adenauer had at first resolutely tied the West German saddle horse to the NATO wagon, implying that there was no difference in interest between the two. The German Gaullists, including Adenauer in his last years in office (1961–1963), wanted to give this Western orientation of the German Janus more of a French, or European, basis rather than exclusively relying on an American ally far across the sea. Atlanticists such as Foreign Minister Gerhard Schroeder also sought to reestablish limited ties to the old clientele of the German *Reich* in Eastern Europe. Thus the German Janus was once more beginning to look east as well as west, just as it had done under Otto von Bismarck and Gustav Stresemann. Willy Brandt in 1969 merely undertook to complete under more favorable circumstances and in a more effective manner what Schroeder had attempted in vain.[1]

Adenauer's policy toward the East had been an encapsulated refusal to enter into contacts or negotiate a settlement of the border questions and other claims. Schroeder, on the other hand, began to advocate an improvement of West German relations to Eastern Europe as early as 1962. The final settlment of Germany's World War II legacy in the East, indeed, was

[1] Brandt's coalition partner, the FDP, had already been holding out for a more nationalistic departure in foreign policy under such leaders as Maier, Pfleiderer, and Dehler since the mid-1950s.

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a Gordic knot that had resisted Adenauer's "policy of strength." As it turned out, it failed to yield also to the blandishments of Schroeder's *Ostpolitik* and later to the *Ostpolitik* of Willy Brandt, the foreign minister of the "grand coalition" (1966–1969). Only the *Ostpolitik* of Chancellor Willy Brandt has shown any real breakthrough so far, and even there the indications of a successful consummation still remain to be seen.

Schroeder's new *Ostpolitik* was a modest attempt to establish trade relations with Eastern Europe without automatically negating the Hallstein Doctrine of diplomatic nonrecognition of states that had recognized the DDR. West German trade missions or treaties were indeed established after some initial difficulties[2] in Poland, Hungary, and Romania (1963), and a year later with Bulgaria, though not with Czechoslovakia. These trade contacts involved a certain duplicity toward the common organs of the EEC in Brussels which were not consulted, although Bonn strove to avoid formal violations of its obligations under the EEC treaty. Schroeder hoped thereby to contribute his share to the relaxation of international tensions, although he had to endure much domestic criticism from the hardliners of old. DeGaulle, of course, had long ago blazed a trail of contacts to Eastern European countries and Washington; he favored Schroeder's new departures which promised to bridge over the irremediable chasms of European realities. The government also had its allies, such as the Free Democratic Party (FDP) leadership and important academic and journalistic opinion leaders. Its initiatives had already been preceded by prominent Protestant and Catholic spokesmen who had advocated recognition of the Oder-Neisse line and other gestures of German reconciliation with Eastern Europe.

It was rather odd that Schroeder's domestic critics should accuse him of confirming and accepting the status quo in Eastern Europe which they still hoped to be able to revise. For the Soviet Union at the same time was alarmed at how he was threatening by his *Ostpolitik* to change the status quo of twenty years of Soviet dominance and monopolistic control. Neither Moscow nor the DDR overlooked the significance of the discrimination of Schroeder's policy of conciliation against East Germany which gave his *Ostpolitik* the appearance of a sly maneuver to isolate the DDR. The telltale answer of East Berlin to the *Ostpolitik* was the Mutual Assistance and Friendship Treaty of 1964 between the DDR and the Soviet Union. Schroeder was not discouraged and proceeded to the next logical step, an attempted rapprochement with Moscow, beginning with a visit by Khrushchev's son-in-law Adzhubei to Bonn. Unfortunately, Khrushchev's fall put an end to this promising start.

[2] Poland, for example, at first insisted on the establishment of normal relations and on West German recognition of the Oder-Neisse line which Bonn was not prepared to grant at the time.

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In the end, Schroeder's *Ostpolitik* and his other attempts at a reorientation of West German foreign policy got no further than, in fact, signifying a reorientation toward the forgotten or frozen Eastern aspects of the concrete interests of the Federal Republic. Most telling perhaps was the bipartisan Peace Memorandum of 1966 in which Bonn proposed to exchange renunciation-of-force agreements with all the Eastern states except the DDR and to enter agreements to freeze the nuclear potential of central Europe at present levels.[3] The idea of a renunciation-of-force treaty between Bonn and Moscow had already appeared in the Adenauer government's declaration of policy of 1961 with the object of demonstrating the good intentions of the Federal Republic which Moscow and East Berlin had always accused of war mongering and belligerent revanchism.

Antecedents II

The declaration of policy of the Kiesinger-Brandt government of December 1966 followed the example of President Johnson who in a much-publicized television address in October 1966 had stressed the idea of building bridges to all the Eastern European countries. The Social Democratic party (SPD), and even the FDP, which was now in the opposition, intended to take the initiative in seeking contacts, short of diplomatic recognition, with the DDR. Chancellor Kiesinger himself called "a German contribution to the maintenance of peace" the foremost aim of the foreign policy of his administration,[4] and devoted a good deal of attention to German-Soviet reconciliation and to the renunciation-of-force agreements offered earlier. Diplomatic relations to Eastern Europe and particularly a reconciliation with Poland and Czechoslovakia—including a denunciation of the Munich Agreements of 1938—were other notable items of the declaration of policy. The DDR was no longer exempted from the proclaimed willingness to build bridges to the East. However, Kiesinger only spoke of seeking contacts—human, economic, and cultural—"so that the two parts of our people do not become strangers to each other during their separation."

[3] There had been a rapprochement between the SPD and the CDU/CSU in matters of foreign policy as early as 1960 when Herbert Wehner in a much-noticed speech before the *Bundestag* dropped the reservations of the SPD toward Adenauer's foreign policies and turned the eyes of his party toward the future. This rapprochment helped to make possible the "grand coalition" of SPD and CDU/CSU under Chancellor Kurt Georg Kiesinger (CDU) in 1966. Wehner has largely been responsible for the strategy that took the SPD from the landmark Bad Godesberg Conference of 1959 via the grand coalition into power in 1969. He was also instrumental in drafting the Peace Memorandum.

[4] The standard formula of past administrations had always begun with the call for German reunification.

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Whatever legitimate doubts the grand coalition may have raised in many minds,[5] in foreign policy it made sense, since the Christian Democrat Kiesinger and his Social Democratic foreign minister, Willy Brandt, at least initially seemed to speak the same language and to share the same goals of *Ostpolitik*. Within two months, in fact, the new government managed to achieve agreement with Romania to establish diplomatic relations. This quick triumph was possible not only because the Erhard administration had been working on it for some time but also because the resulting communiqué simply ignored the problem of East German recognition and of the Hallstein Doctrine. At the same time, Kiesinger and Brandt met with DeGaulle and emerged from the meeting speaking of a common, Franco-German *Ostpolitik*. This echo of the Gaullist and, more recently, Johnsonian pronouncements about healing the breach between Western and Eastern Europe pulled the rug out from under the German Gaullists and other enemies of Schroeder's *Ostpolitik*.

Unfortunately, the congruency of verbal formulas was not enough to solve the real problems posed by the situation. As recently as July 1966, the Warsaw Pact countries had pledged to make their solidarity with the DDR the test of their Communist loyalty. The price for West German diplomatic relations with Eastern Europe had gone up. Now it would take at least the abandonment of the Hallstein Doctrine and of the claim to speak for all Germans, the formal recognition of all de facto borders, and the end of West German nuclear ambitions. This was the reason why Eastern Europe had been rather reserved in its reaction to the new *Ostpolitik* of Kiesinger and Brandt.

The following months of 1967 soon were to demonstrate the limitations of the new *Ostpolitik*. Romania had been an easy mark because she had long been on a path of emancipation from Moscow. Yugoslavia was another easy gain because she had already maintained diplomatic relations with Bonn up until 1957 when the Hallstein Doctrine motivated Bonn to withdraw its representatives from Belgrade after Tito's recognition of the DDR. But the increasing Soviet pressure on Prague, Budapest, and Warsaw held these countries in a solidary ring against the wooing of Bonn. The Karlsbad Conference of April 1967 gathered all the Eastern European Communist parties except for those of Romania and Yugoslavia to debate on how to meet the West German threat to their solidarity. Western Communist parties including that of France were asked to help with discrediting the "revanchism" of Bonn. This conference issued a

[5] The chief criticism of the coalition of the two largest parties, who together accounted for some 90 percent of the seats in the *Bundestag*, circled around its effect on the two-party system and its preemption of an effective opposition. The last-mentioned feature, furthermore, was frequently blamed for the growing strength of the radical right, the NPD, and the New Left, the Extra Parliamentary Opposition (APO).

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resolution calling for a European Security Conference exclusive of the United States, a proposal which must have pleased DeGaulle.

Bonn also had misgivings about the high-handed manner in which Washington neglected to consult its allies about its compromises with the Soviet Union. There must be some secret *quid pro quo*, the West German press suggested, possibly involving Soviet noninterference in the Vietnam conflict. And America's European allies were supposed to pay for it by accepting nuclear limitations while the great powers themselves undertook no disarmament steps. This issue for the first time allowed the German Gaullists to rally their forces around Strauss and Adenauer in opposition to the leaders of the grand coalition and their policy of relaxation of international tensions. What better argument could be used against the new *Ostpolitik* but that the Soviet Union wanted nothing more than Bonn's signature on that treaty? More sober critics pointed out that the treaty would also bar West Germany from access to the peaceful uses of atomic energy. The issue was also divisive for the grand coalition, because Kiesinger was more inclined to agree with the critics and with DeGaulle's advice not to sign than was Brandt.

In place of the West German offer of bilateral renunciations of force, the Karlsbad Conference came up with the Gomulka Plan for a collective renunciation-of-force agreement to be signed by all European states including the DDR, whose international discrimination in any case was to cease forthwith. The DDR, furthermore, concluded Friendship and Mutual Assistance treaties with Poland and Czechoslovakia to complete the regional integration of the DDR in case the Warsaw Pact should lapse following the security conference. And to draw the final line under the years of evolution toward a separate state, the DDR also moved to abolish the last remaining legal fiction of commonality, the all-German citizenship, and replaced it with its own "nationality." Ulbricht would have liked, in a reversal of the Hallstein Doctrine, to make the establishment of diplomatic relations between Bonn and the East European countries dependent on Bonn's recognition of the DDR, but did not succeed in winning the support of the conference.

The Federal Republic's attempt to break into the northern tier of Eastern European states now met a good deal of resistance even in Prague which had welcomed the Kiesinger statement about abrogating the Munich Agreements of 1938. Instead of diplomatic relations, Bonn only achieved the conclusion of a trade treaty and the establishment of trade missions. Warsaw still showed no signs of giving in to the German wooing. Bonn had to settle down in patience for the long waiting game, all the while assuring the East that it had no intention of isolating the DDR or any other state. And, once more, it attempted to advance the idea of mutual renunciations of force with each Eastern European state which amounted

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to a West German admission that Bonn could not but accept the state of things as they were anyway.

The Kiesinger-Brandt team could no longer hope for the trade-off of reunification and nuclear arms, but was reluctant to drop its interest in Western nuclear planning and in peaceful uses of atomic energy. Kiesinger, moreover, wanted to maintain the West German stake in a future European *force de frappe*, while Brandt stressed the willingness of the Federal Republic to agree to nuclear nonproliferation, provided it was going to be a first step toward general nuclear disarmament or effective international controls on the nuclear arms race between the great powers. This argument found strong support also with India, Japan, and Sweden at the Geneva conferences of 1967 and 1968, and it was obviously in better harmony with the *Ostpolitik* than were the fulminations of the German Gaullists and the Springer press.

On August 21, 1968, the tanks of the Warsaw Pact forces, led by the Soviet Union and including East German units, rolled into Czechoslovakia to snuff out the liberalism of the "Prague Spring." There were reports of clandestine protest actions inside East Germany, but by and large the East German troops were as surprised as the Russians that the Czechs tended to compare them to another armed invasion they had suffered thirty years earlier. The Germans fiercely resented the swastikas which Czech youths and some of their own countrymen painted on their tanks and rolling stock. The Soviet desire to rein in its wayward satellites with a harsh hand had been evident for some time.

The implications of this action for the West German *Ostpolitik* were ominous. Bonn's negotiations toward a mutual renunciation of force with the Soviet Union had run aground on the hard demands of the Soviet government and the DDR at the time of the Berlin crisis of November 1967. In the meantime, Moscow further added a reference to certain clauses of the Potsdam Agreements of 1945 and of the United Nations Charter which justified hostile intervention on the part of the original signatories in case of a revival of fascism in any of the erstwhile enemy nations of World War II. This right of intervention could presumably be construed to refer to the National Democratic party (NPD) or any other neo-fascist splinter party of postwar Germany and West Berlin, or, for that matter, to the Bonn government itself which Communist propaganda had been calling "fascist," "imperialist warmongers" since its beginnings in 1949. The Soviets indicated that they would maintain this right of intervention even if a renunciation-of-force treaty was signed and, to add insult to injury, published the content of the confidential negotiations for all the world to see. The Czechoslovak invasion, which the Warsaw Pact justified as such a "suppression of fascist elements and foreign agents" presumably coming from West Germany, once more re-

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vealed that the perception of a fascist Bonn was a functional prerequisite to maintaining Soviet control over the satellite empire. The West German government in a note still tried to reason that a renunciation of force would have to be based on equal conditions for both partners and could not be modified with any one-sided right of intervention. The Soviets replied in the strongest language that the Federal Republic had no claim to equality with other European states and that its renunciation-of-force proposals left untouched its "revanchist platform with regard to all the main questions of European security."

As the roof caved in on Bonn's policy of detente, the old fears reappeared. When at the time of the invasion Soviet troops began to mass across the border from West Germany, in the Bohemian Forest, moreover, Bonn urgently called for strengthening NATO and appealed to the Western allies for a change in the uncertain status in central Europe. At West Germany's urging, also, the Western allies forcefully rejected the Soviet interpretation of the U. N. charter and the Postdam Agreements. Washington bluntly announced that any Soviet invasion of West Germany would bring immediate military retaliation. This finally cooled down the ardor of Soviet belligerence.

The Turning Point of 1969

The parliamentary elections in September 1969 became something of a watershed in postwar West German history in that they finally retired the CDU/CSU as a government party of twenty years' standing. The chief issues were of a domestic nature, although the differences between the two largest parties also had significant foreign-policy overtones. Strauss and his adherents conducted themselves as "the national opposition" against the nuclear nonproliferation treaty and the *Ostpolitik*. The Soviet claims to a right to intervention in Germany and the nuclear nonproliferation treaty were seen by many to be made of the same discriminatory cloth, and some hardliners even spoke of a "super-Yalta" or "Super-Versailles." Kiesinger insisted on polemicizing against a "party of recognition (of the DDR)" in a willfully crude distortion of the issues. Thus he and his party had retreated far from their position at the outset of the grand coalition. Brandt held out the hope that signing the nonproliferation pact would avoid Bonn's falling into isolation. Waiting for the Soviet ardor to cool off might yet produce an advance in *Ostpolitik*.

The coming electoral upset was already heralded by the selection in March of a new Federal president by the Federal Assembly[6] in Berlin,

[6] The Federal Assembly consists of the *Bundestag* deputies and a like number of

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when the FDP threw its electoral votes behind SPD candidate Heinemann who thereby won the contest. The FDP had already developed a draft "general compact" for the orderly relations between East and West Germany and thus was obviously ahead of the SPD.[7] Again there were bitter propaganda campaigns and harassment of the access routes to Berlin. Then mysteriously both the DDR and the Soviet Union softened their approach and began to make counteroffers relating to the access of West Berliners to their friends and relations in East Berlin. There were two potent reasons for the change in approach. As the Soviet ambassador in Bonn, Tsarapkin, himself informed the West German government, Chinese and Soviet troops had clashed bloodily at the Ussuri River half way around the world. And the steadying hand of the Nixon administration, in whose foreign policy adviser, Henry Kissinger, Europeans had the greatest confidence, had appeared on the scene with Nixon's personal visit to Berlin.

Willy Brandt tackled the objectives of his *Ostpolitik* with a dispatch born of years of observing the ups and downs of Soviet-German relations. After a mere five weeks in office, the chancellor had already put an end to the debate over the Nuclear Nonproliferation Treaty by attaching the West German signature to the treaty. A billion dollar deal with the Soviet Union followed in which Bonn traded pipes for a huge pipeline through European Russia for Russian natural gas. A platoon of diplomatic emissaries from Bonn descended upon Warsaw, Prague, Budapest, and Bucharest with other favorable credit and commercial arrangements as well as assurances about the peaceful intent of the Federal Republic.

The whirlwind of activity focused in particular on Moscow where Brandt's special ambassador Egon Bahr met with Foreign Minister Gromyko about forty times between January and August 1970 in preparation of the renunciation-of-force agreement with the Soviet Union. Foreign Minister Scheel (FDP) also met with his Soviet counterpart some seventeen times during the same period for this purpose. Still more surprising, Brandt maneuvered the reluctant DDR government into two widely publicized encounters between himself and DDR Premier Willi Stoph, one in the historic East German city of Erfurt, the other in West German Kassel, to demonstrate to the whole world an intra-German understanding of sorts. At the same time, Brandt also got the four great powers, who had neglected their responsibilities for the status of Berlin for so long, together once more to work out a permanent solution for the be-

deputies of the *Laender* diets. It serves as an electoral college to elect the Federal president.

[7] The FDP later in the year also proposed dropping the Hallstein Doctrine altogether when Cambodia, Iraq, and the Sudan recognized the DDR.

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leaguered city. Events moved so rapidly in 1970 as to take Brandt's opponents in East and West Germany rather by surprise. The interpretation and analysis of what was happening and what it really meant began to catch up with the decelerating flow of the events only years later.

To begin with, the element of surprise could be maintained in large part only because of the air of unreality and hopeless entanglement which had long surrounded the relationship between Bonn and the East. Twenty-five years after the end of World War II, the tensions in Europe still were unrelieved, with nearly one-third of a million American troops and half a million Soviet troops stationed in various Western and Eastern European countries. West Germany had made its peace with the West, but never really with the East, pretending that the DDR did not exist, and ignoring the border questions and de facto losses of territory. Twenty years of hard-lining CDU governments and certain refugee and right-wing groups had been talking as if Germany had not lost the war in the East and as if the Western alliance could be used in the long run to win back the rightful spoils of war of Poland, Czechoslovakia, and the Soviet Union which had suffered so grievously from German invasion in World War II. These right-wing elements and parts of the West German press rose in righteous wrath against Brandt's *Ostpolitik* initiatives. Ironically, they found their best allies among hard liners in the East German SED who fought tooth and claw against any rapprochement with Bonn. The vested interests in the status quo of both Germanies joined hands in propaganda, in provoking and magnifying incidents, and in leaking confidential documents and reports in order to wreck this unconscionable intra-German and Eastern rapprochement.

The Moscow Treaty

In spite of all the bitter sallies and incidents of that eventful year, the Renunciation-of-Force Treaty between the Federal Republic and the Soviet Union was initialed August 21, 1970. It was published together with a letter on German unity and supplementary notes and documents which gainsaid the earlier alleged "papers" leaked by the opposition to create the public impression of a "sell-out" or "betrayal of the fatherland" to communism, or of German ethnic interests to alien peoples. The two contracting parties solemnly pledged

> to maintain international peace and achieve détente [and] . . . to further the normalization of the situation in Europe and the development of peaceful relations among all European states, and in so doing [to] *proceed from the actual situation existing in this region.*

They agreed to be guided in their mutual relations by the United Nations

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Charter and "to refrain from the threat and use of force." For this purpose they declared their acceptance of all present frontiers and disavowed "any territorial claims against anybody," with the reservation that a final peace treaty conference or mutual consent (e.g., between East and West Germany) may still produce changes.[8] The treaty was to be submitted for ratification to the *Bundestag* only upon a satisfactory result of the four-power negotiations on the status of and access to West Berlin. In supplementary agreements, Bonn promised to conclude similar renunciation-of-force treaties with the DDR, Poland, and Czechoslovakia. Regarding the DDR, in particular, the Federal Republic agreed to treat East Berlin as "a second German state within German territory," on a basis of equality and nondiscrimination, and no longer to claim the right to represent all Germans (*Alleinvertretung*).

The treaty documents made sure to cover also the points raised by the opposition spokesmen of the CDU/CSU, and the refugee and expellee organizations. They left undiminished the German right of self-determination and reserved the final disposition of the frontier questions to a peace conference which would very likely be some years off in the future. Most important for the West German side, they made ratification of the treaty dependent on a "satisfactory settlement" of the status and access to Western Berlin, a point creating considerable controversy at home and abroad. In May 1970, the negotiations with Moscow nearly collapsed when the Soviets reportedly wanted to separate the linking of the two subjects since, after many a meeting, the four-power negotiations on Berlin had not produced agreement on vital points. But Bonn remained adamant and asserted in a June note that there would be no renunciation-of-force without progress on Berlin. If it had not been for this pressure on the Soviets and the Western powers, the four powers would very likely have never made the effort. There is at least some evidence that West German public opinion was very favorably impressed by this feature of the Bonn-Moscow negotiations. The Soviet Union was too, for it in turn made the entering into force of the Berlin Agreements dependent on ratification of the renunciation treaty.

Another important aspect was its portent for the threat of Soviet intervention made in 1967 under articles 53 and 107 of the United Nations Charter. Despite some opposition comment to the contrary, the present treaty was presumed to have the effect of invalidating the Soviet threat.

[8] On this subject, see esp. Georg F. Duckwitz, "The Turning Point in the East," *Aussenpolitik* (English ed.), XXI (1970), 363–379, where the details of the treaty are discussed and related to earlier agreements of the Federal Republic such as Adenauer's 1954 declaration at the London Conference "never to seek the reunification of Germany or the modification of the present frontiers of the Federal Republic of Germany by means of force."

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To be sure, as the hard liners in West Germany and elsewhere were quick to point out, no conceivable guarantee of this nature can ever be expected to bar a totalitarian state from aggression under all circumstances. But the American and NATO assurances could always be depended on to protect the Federal Republic in the event the Soviet Union made an abrupt about-face and turned to aggression again.

Foreign Minister Walter Scheel put the rationale of a renunciation-of-force succinctly when he wrote in July 1970 in a newspaper editorial that the nature of military tensions in central Europe inexorably imposed certain necessary attitudes upon West German policy: It had to be a policy of peace, one free from the unrealistic illusions and emotions of yesteryear. It must work to inspire confidence and trust in German intentions and not "feed on existing distrust." And it had to be based on Bonn's alliance and the support of its Western friends. The earlier policy of ignoring the East permitted the Soviets for twenty-five years to cement their empire by playing on the Eastern European fears of Germany. The "imperialist," "aggressive" nature of the Bonn regime was a functional prerequisite of Communist policy and cohesion. What a triumph, then, to get Moscow to acknowledge the peaceful, nonaggressive intentions of West Germany and her willingness to leave the border settlement to negotiations rather than strong-arm tactics! And as for the support of the allies, this aspect of the *Ostpolitik* was quite in keeping with the allied goal of a relaxation of international tensions as, with rare exceptions, a long line of prominent American and international visitors testified.

The DDR on the Defensive

It is not possible here to go into all the vagaries of the struggle of the CDU/CSU and the refugee spokesmen against the ratification of the Renunciation-of-Force agreements with Moscow, Warsaw, and, most recently, Prague. Regarding the latter two, as the immediate neighbors of Germany, as the homelands of many German refugees, and particularly as the victims of German aggression in World War II, feelings were bound to run high both among the advocates and the enemies of reconciliation. Let us focus instead on the reception of the *Ostpolitik* in East Berlin.

To understand the defensive attitudes of the DDR leadership, one cannot ignore the obvious defects, in the East German view, of the negotiations between Bonn and Moscow. Bonn had declared its intent to organize its relations with the DDR "on the basis of complete equality, nondiscrimination, respect for the independence of each of the two states in matters of internal competence within their respective boundaries," and renounced the claim to *Alleinvertretung*. But these concessions were not

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an integral part of the Bonn-Moscow Treaty, nor did they follow the East German proposals and indicate a promise of real international recognition instead of the suspicious "inner-German" relations on Willy Brandt's program. Since the Western allies insisted on their residual rights over Berlin and Germany, recognition was not even Bonn's to give. The Soviets, moreover, refused to force the East German demands upon Bonn and had even stated their readiness to bring about, on the basis of residual occupation rights, a Berlin settlement to Bonn's liking and presumably at East German expense. The assertion of the occupation rights meant a severe setback to East German pride and self-confidence. The DDR leaders could not tell whether they were being taken to the altar or down the garden path. The nightmare of agreement between Bonn and Moscow had ever been the DDR's *cauchemar des coalitions* and the thought of some of the nearly 200,000 Soviet troops stationed in East Germany being moved to the Chinese frontier is as painful to East Berlin as the thought of American troop withdrawals is to Bonn.

The DDR had little choice but to accept the new situation, although not without attempts to undermine it. At first the leadership seems to have adopted a strategy of reinterpreting the Moscow Treaty in the light of its own needs while pretending that the Federal Republic had merely been forced to conclude this "Soviet accord" and was not in fact the author of the policy. Thus, East Berlin in August 1970 issued a statement approving of the treaty while denouncing Bonn for not ratifying it immediately and, in particular, for still withholding East German recognition.[9] At a later point, Ulbricht sought to shift the initiative in the Berlin question from the allied negotiations back to a dialogue between the two Germanies, or simply to stall and obstruct whenever possible. Soviet leaders have shown no reluctance to intervene personally whenever East Berlin became too obstreperous. But there have also been times when the willingness of the Soviet Union to come to terms with Western negotiators seemed to be noticeably slackening under the impact of pressure from the DDR. Even though he is known for his hard line, Ulbricht's successor, Erich Honecker, has had to acquiesce to the measures of *Ostpolitik*. The East German leaders are on the defensive, reduced to petty harassment and recurrent campaigns of "demarcation (Abgrenzung) against imperialist West Ger-

[9] See *Neues Deutschland*, August 15, 1970. Originally, the DDR had responded to the West German overtures with a demand for 100 billion marks in reparations for the pre-1961 loss of East German refugees and for "economic discrimination," meaning the Hallstein Doctrine. It should be noted, however, that the establishment of contacts and administrative cooperation at the ministerial and subministerial level between the two Germanies survived the debacle of the Kassel meeting between Willi Stoph and Brandt, to a modest degree, in fields such as transportation and postal services —*Postpolitik* instead of *Ostpolitik*.

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many"[10] and against the "Social Democratism" emanating from Willy Brandt's SPD, a tool of "the monopoly, capitalist bourgeoisie."

For the DDR, moreover, long-range security no longer seems to be found in bilateral agreements, but only in multilateral pacts and conferences where its links to the Warsaw Pact nations would become less dependent on momentary internal problems or the external expediencies of its Eastern partners. The intense desire of East Berlin for Western diplomatic recognition is, at least covertly, also a desire for greater autonomy from Soviet hegemony. With its striving for more autonomy from Moscow, of course, the DDR is in the best company of all the other Eastern European states. As a truly autonomous partner of the Communist bloc, the DDR could play a double-sided game of security politics, analogous to the role of the Federal Republic in the Western alliance, in which the Communist alliance would still guarantee its security without smothering it in its powerful embrace. Proletarian internationalism and socialist brotherhood need not be limited to the Russian bear hug.

The East German attitude is somewhat self-contradictory but understandable even when it may border on a quixotic sense of insecurity or paranoia.[11] East German foreign policy, therefore, looks toward the European Security Conference (CSCE) envisaged by the various Eastern European countries and the Soviet Union at Karlsbad (1967) and Budapest (1969), and debated also by the Western foreign ministers at Rome (1970) and since 1972 by the smaller European nations. This conference has been described by East German sources as "a conference for the taming of the imperialistic, tension-provoking West German *Ostpolitik*."[12]

[10] The fear of cultural contacts with the West was eloquently expressed by H. Busse and W. Haenisch in "Friedliche Koexistenz-Grundprinzip der Aussenpolitik der DDR," *Deutsche Aussenpolitik*, no. 1 (1974), 32–33, 37. See also the discussion of the evolution of East German "national identity" in Hermann Axen, *Zur Entwicklung der sozialistischen Nation in der DDR* (East Berlin, 1973), a lecture by the secretary of the SED Central Committee.

[11] Foreign Minister Otto Winzer, for example, still rather recently expressed acute alarm at a 1963 formula of Willy Brandt's according to which peaceful coexistence between the two Germanies denotes "a peaceful method of competition and *penetration*, an advancement of *transformation*" (italics by Winzer) which he interpreted as "undermining the socialist order of state and society" in the DDR, and as being at the root of Brandt's 1970 refusal to grant diplomatic recognition. *Die Einheit* (May 1970), 592.

[12] The Soviet Union first proposed such a conference in 1954 to forestall West German rearmament. Revived by Rapacki in 1964, the idea finally became capable of realization after 1968 when the Warsaw Pact agreed to full participation of the United States and Canada. See the communiqué in U.S. House of Representatives, Committee on Foreign Affairs, 92nd Congress, 2nd session, Hearings before the Subcommittee on Europe, 1972, *Conference on European Security*, pp. 142–144. See also Otto Winzer's article on peaceful coexistence, *Die Einheit* (May 1970), 594–596, and Peter Florin in *German Foreign Policy* (June 1970), 423–438.

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But its principles of sovereign equality, inviolability of borders, and nonintervention in the internal affairs of the thirty-three European and North American countries[13] would appear to have just as much application to the power of the Soviet Union over its satellites.

The Quid Pro Quo

Why did Brandt and his foreign minister, Scheel, succeed where others had failed? The secret of their success lay in the timing and in their skillful linkage of the various measures and their ratification. The Bonn-Moscow treaty as well as the one with Warsaw was not to come up for ratification until a "satisfactory" solution of the Berlin question was reached by the four powers, France, Great Britain, the United States, and the Soviet Union. This made the Berlin settlement the crucial pivot of the relaxation of tensions in Europe, as indeed it should have been. Herein then lay Willy Brandt's grand design for the solution of the German problem in the East-West context. It consisted of tying all the loose ends of the *Ostpolitik* into a package dependent on four-power action in the most delicate point of friction, Berlin. If one could wrest de facto control of the access routes to Berlin from the DDR, secure the economic survival and free movement of the West Berliners with Soviet guarantees, and assert the political link between West Germany and Berlin, after twenty-five years of recurrent crises, this was worth the settlement in the East. The nature of the package placed the burden where it belonged, into the lap of the four powers and made a settlement especially attractive to the least cooperative of them, the Soviet Union. The DDR, which obviously stood to lose from the final product of the negotiations, played no official role in the long series of meetings among the representatives of the big four.[14] The Soviets would have preferred severing all Berlin ties, including the subsidies, to Bonn and making West Berlin economically and, by implication, politically dependent on "its natural, East German hinterland." The East Germans for their part have always objected to the West German "revanchist" activities in this "bridgehead against the DDR" and insisted on the "good conduct" of West Berliners, West Germans, and transients in West Berlin as a condition for their cooperation.

[13] Other principles agreed upon include the multilateral renunciation of force, the peaceful settlement of disputes, respect for human rights and basic freedoms, and cooperation among states. For an East German view, see Dieter Vogl, "Die Warschauer Vertragsstaaten und die europaeische Sicherheitskonferenz," *Deutsche Aussenpolitik* (January 1971), 48–62, where great emphasis is placed on the participation of the Federal Republic and of the neutral states of Europe whether or not they are United Nations members.

[14] See details in Peter H. Merkl, *German Foreign Policies, West and East: On the Threshold of a New European Era* (Santa Barbara, Calif., 1974), pp. 156–165.

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By mid-1971, the expectations raised by the bold gamble of the *Ostpolitik* had reached such a height that even the CDU/CSU was willing for the time being to withhold criticism of the kind of Berlin agreement that was evidently taking shape. "For the first time since the end of World War II," declared Chancellor Brandt triumphantly on September 1, "agreements based on international law are creating clear conditions for access to West Berlin and for the relations between the city and the Federal Republic of Germany." Two days later, in the building of the long defunct Allied Control Council of Germany, the foreign ministers of the four major allied wartime powers initialed the Berlin Agreement, a first step toward a viable settlement.

The agreement reaffirmed the reserved rights of the four allies and pledged the latter to respect each other's rights in Berlin and not to attempt to change the status quo unilaterally or by threat of force. Four annexes to the agreement proposed details of (1) the civilian traffic between West Germany and West Berlin, (2) the relationship between the Federal Republic and West Berlin, (3) travel and communications between West Berlin and the surrounding East German territories; and (4) the representation of West Berlin interests abroad and the Soviet consular activities in West Berlin.

Regarding the first item, the Soviet Union solemnly assured the Western powers that the traffic of goods and persons across East German territory to and from West Berlin would be "facilitated and unimpeded." Some regulations of this traffic were specified and the details left to intra-German agreements. In the second annex, the Western powers reaffirmed the ties between Berlin and Bonn, provided that West Berlin not become a constituent part of the Federal Republic and the political organs of the latter not be convened in West Berlin. In the third annex, the Soviets gave equal visiting rights in East Germany to the West Berliners who had long been discriminated against as compared to West German or foreign visitors. This annex also promised to improve the ruptured communications between East Germany and West Berlin and to resolve the problem of enclaves such as Steinstuecken by exchanges of territory, with the details again left to intra-German negotiations. The fourth annex, finally, granted West German consular representation abroad and with respect to international organizations to the residents of West Berlin and authorized the establishment of a Soviet Consulate General in the Western sectors of the city. In a further exchange of letters with Bonn, the Western powers indicated which West German governmental agencies would be permitted to appear and operate in West Berlin for purposes of coordinating the relationships between the two entities.

The Brandt government immediately made it clear in a televised address that the Berlin Agreement was only the beginning of a settlement

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and that in many ways it accomplished little more than the sanctioning of the existing situation. Nevertheless, the former Berlin mayor said, "there are to be no more Berlin crises." And he stressed the sanctioning of access rights and the visiting privileges of West Berliners. The West Germans and West Berliners obviously had not received everything they had hoped for, and what they had been granted still required long and difficult direct negotiations between the two Germanies. East German stalling and different interpretations of the Berlin Agreements complicated their implementation in intra-German accords.[15] There have been incidents and violations on both sides to this day to disillusion the starry-eyed.

There was also the bitter fight to the finish by the CDU/CSU opposition which at first hoped to topple Brandt by defeating his treaties and then discovered it could not afford the odium of wrecking the whole edifice of his popular *Ostpolitik*. For without the ratification of the Renunciation-of-Force treaties with Moscow and Warsaw by the West German *Bundestag*, the Berlin Agreements and even the implementing traffic accords between Bonn and East Berlin would fail to enter into force. Thus the Moscow Treaty passed on May 17, 1972, with a majority of 248 against 10 (238 abstaining) and the Warsaw Treaty passed with 248 against 17 (231 abstaining), and the CDU/CSU also chose to abstain in the upper house, the *Bundesrat*. A joint resolution by both major parties on legal reservations regarding the Oder-Neisse line and other borders passed the *Bundestag* by 491 to 5 votes, and was immediately gainsaid by a special message of reassurance about the Oder-Neisse line addressed to the Polish government by Chancellor Brandt.

In the battle over ratification, the Brandt government had lost its legislative majority and could no longer even pass its budget. A surprise motion of no-confidence by the opposition came very close to toppling the Brandt cabinet. Nevertheless, the engineers of the *Ostpolitik* continued to work on further civilian traffic and cooperation agreements with the DDR and, two weeks before the November elections, unveiled a Basic Treaty on the relations between the two German states, in which the Federal Republic "formally takes note of the DDR as a sovereign and equal state," though not as a foreign country, as Brandt pointed out in a newspaper interview.

The Basic Treaty with the DDR

The Basic Treaty proceeds from the fact of the German division under

[15] A book review by V. A. Pjatin of V. N. Boldyrew's *Westberlin und die europaeische Sicherheit* (1973) in *Deutsche Aussenpolitik*, no. 1 (1974), 189–192, gives a revealing glimpse of East German motives.

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allied suzerainty without exactly recognizing such a division as permanent. It does pay tribute to detente, nonuse of force, and inviolability of borders, and pledges the two German states to (1) normal, good-neighborly relations, (2) sovereign equality, self-determination, and, among other things, the protection of human rights, (3) the discontinuance of *Alleinvertretung* by Bonn, (4) the promotion of European security and a reduction of armaments, especially the control of nuclear weapons, (5) steps toward economic, scientific, and cultural cooperation, and (6) an exchange of permanent missions between the two Germanies. As Willy Brandt put it in a press conference, this treaty is "the instrument for organizing cooperation under the prevailing circumstances," that is, "by way of settled coexistence" and without abandoning the notion of a common nationhood. It opens the way to "the normalization that is now possible" and makes life easier in many ways in the two Germanies and in West Berlin, again without changing the legal status quo in such matters as citizenship or property. A number of practical cooperation and exchange agreements between the two states and including Berlin will follow.

By this time, the long-expected wave of diplomatic recognitions of the DDR by many states other than the Federal Republic (which had insisted on noninternational recognition) was obviously well under way. FDP leader and Foreign Minister Walter Scheel felt compelled to deny that this was "a bitter consequence" of the *Ostpolitik* and, in particular, of the Basic Treaty. On the contrary, he argued, it is "a natural outcome of these treaty negotiations and of the conclusion of the accord that the NATO members now establish contacts." Not only was this trend already strong without the policies of Bonn, thus making it necessary for the Federal Republic to take the initiative and obtain concessions from Moscow and Pankow while they still had something to offer the East, but also the Basic Treaty and the Four-Power Declaration relating to the treaty and United Nations membership expressly reserved the final disposition of the German question to a peace settlement. "There was no reason in the meantime to discriminate against the DDR" as long as it showed some willingness to cooperate. The underlying formula, in other words, was that human improvements in the DDR and in West Berlin were well worth the concession of international recognition, since German reunification was in any case unattainable in view of the irreconcilable differences between the two systems.

Needless to add, the CDU and especially the CSU rejected this trade-off as well as the whole Basic Treaty with the DDR. There was some expression of dissent among the CDU deputies, however, which produced several points illuminating the predicament in which the party has found

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itself since 1970. The CDU/CSU must catch up to the international developments, the dissenters argued, and be realistic about the emergence of the DDR and the present Eastern borders which are now being recognized by practically everyone in West and East.

Indeed, it seems to be the normal course of major innovations in foreign policy that they can only begin with a realistic acceptance of world conditions as they are rather than as they never were or as they might have been years ago. The SPD learned this lesson the hard way during the long years of Adenauer's bold new departures in foreign policy. It was a painful process for the SPD leaders to give up their hardened rearguard action against his policies of European integration and of bringing West Germany into the Western alliance. Only after they had come to accept the new conditions could they set out for major departures of their own. It may well require a similarly painful process of accepting the achievements of their antagonists before the proud leaders of the CDU and CSU can stage a comeback.

Ostpolitik and Westpolitik

During their determined struggle against Brandt's *Ostpolitik*, the CDU/CSU leaders' weightiest, if not their most influential argument, pointed to an inherent conflict between further European integration and the Eastern policies. Granted that the West German policies toward the East presupposed a secure West German position within NATO and a sound economic one within the Common Market, this objection is far from absurd. One aspect in the preparatory talks for the Conference on European Security and Cooperation, for example, concerned the West German desire—shared by other EEC members and opposed by the East—to allow the European Community (EEC, ECSC, and Euratom) a mode of formal participation. Behind this request lay the concern that the Eastern Europeans should recognize the right of the EEC members to continue to develop without Eastern interference the process of economic and political integration they have begun and to which they accord priority over any all-European patterns of cooperation. The European Community indeed commissioned its Political Committee (of Political Directors of each Foreign Ministry) and an ad hoc group to prepare a common strategy toward the conference, an absolutely necessary maneuver, since community members after January 1, 1973, are no longer free individually to conclude new trade treaties with nonmember states. Furthermore, these deliberations have been linked with those in the NATO Council, at least among the delegations from community countries. The Eastern Europeans for their part feel a hearty dislike for the Common Market, its "economi-

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cally discriminatory" policy, and even more for its ambitions to become a politically unified "superpower" and a vehicle for "Western European imperialism."[16] Within the EEC Commission, the views about the European Security Conference have ranged from positive ones hoping for better relations with the Soviet Union or Eastern Europe (with the ulterior motive of making the satellites less dependent on Moscow) to the suspicion that the conference was a plot to substitute a weak all-European pattern of cooperation for the further political integration of the community.

The standard response of the Brandt government to these Christian Democratic criticisms has always been that Bonn's *Westpolitik* has been proceeding apace and that the *Ostpolitik* measures enjoyed substantial support among all of the Western allies.[17] Appearances have indeed fostered the impression of a very active and successful *Westpolitik*, especially with the dramatic expansion of the Common Market from the original six to nine members. To be sure, the demise of Charles DeGaulle and the persistence in the face of determined resistance at home of a pro-European leadership in Great Britain account far better for the final coming about of that long-awaited event than anything the Brandt government did in its few years in office. Still, as Great Britain, Ireland, and Denmark took on their official roles in the European Community on January 1, 1973, it was difficult for the critics to claim that no progress was being made in European integration. The impact of the event was further magnified by the surprising eagerness of the British to enter into the round of contacts and activities toward greater cooperation in political and defense matters which accompanied the expansion of the community. For many years, a potent argument against British membership in the Common Market had been that Great Britain was "not really interested in European integration" beyond the advantages of economic cooperation and hence, that her membership would water down the heady spirit of European union. Now that she was actually joining, her government turned to be nearly as keen on playing a strong political role in the community as any of the "good Europeans" of long standing who had agreed

[16] This gives some plausibility to the Christian Democratic demand, that Eastern Europeans should first "recognize EEC" before the Federal Republic would drop its objections to the international recognition of borders and of the DDR. Actually Brezhnev in a speech of March 1972, did "recognize the reality of the Common Market" and asked for a similar "recognition" of Comecon by Community members. See also Michael Palmer, "The European Community and a European Security Conference," *The World Today*, July 1972, and the special issue of *Deutsche Aussenpolitik* on the European Community *Westeuropa, Politik, Oekonomie* (1973).

[17] In December 1972, the NATO Council once again reaffirmed its support for the intra-German policy of Bonn as well as for its policy of "peaceful reunification."

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at the Hague Conference of 1969 to turn their attention to political integration.

There is no need to provide here a detailed review of the lively developments in the European Community in the years of the greatest advances of *Ostpolitik*, nor to comment on its current ups and downs. Suffice it to say that European integration was far from dormant and that its impact on West Germany was far greater than that of the increasing trade relations with the East. West German relations with the United States also have not suffered in the least, although there appears to be more of a sense of European self-confidence vis-à-vis the old fears that American trade and capital will take over Europe. At the same time that Western Europe feels all this burgeoning economic strength, moreover, it remains as militarily dependent on the United States as ever. The late President Pompidou in 1971 spoke optimistically of a European political union by 1980.

In 1972, for a summit conference of the ten prospective members of the European Community (Norway had not yet opted out), Bonn prepared an agenda which puts *Ostpolitik* and *Westpolitik* in context. The first points on it were economic and monetary measures, along with social security, regional structural policy, and the environment. Second were institutional reforms such as the strengthening of the Council of Ministers, the European Parliament, and of the Economic and Social Committee. The third point called for an "organized dialogue" with the United States, better relations with industrialized countries, trade cooperation with Eastern Europe and with the developing nations. European political and intergovernmental cooperation also figured prominently on the West German agenda for the summit. As the reader will notice, *Ostpolitik* played a very modest role in this context.

Looking back on the hectic battles of 1970–1972 with the benefit of hindsight, one is inclined to see the *Ostpolitik* in a more realistic light than seemed possible then. It was never as great a reversal of previous policies as its detractors claimed but merely the more effective execution of earlier attempts. The Renunciation-of-Force treaties and the reluctant rapprochement of the Federal Republic with the DDR have not basically changed the political landscape of Europe or surrendered vital defenses against the ideological pressures of the East. West Germany is too well ensconced in its *Westpolitik* relations to have to fear such consequences. The basic differences in the political and economic systems on either side continue as before and their impact limits the possibilities for interaction and frequently leads to mutual suspicions and minor breakdowns. Either side naturally is inclined to get some political advantage out of the greatly increased volume of trade and of cultural ex-

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changes, at the same time that it feels dangerously exposed by the lowering of the psychological guards of two decades of cold war.[18] But these fears are obviously to be preferred to the system of fears that kept both sides under its spell prior to Brandt's *Ostpolitik*.*

[18] For an excellent survey from the East German perspective, see J. Dankert et al., "Die Beziehungen Frankreichs, der BRD, Grossbritanniens zu den sozialistischen Staaten Europas," *Deutsche Aussenpolitik*, Sonderheft 1973: Westeuropea, Politik, Oekonomie, 113–149, and, from the West German side, Andreas Meyer-Landrut, "Fourth Year of the Moscow Treaty," *Aussenpolitik*, no. 1 (1974), 23–30

* Adapted from Peter H. Merkl, *German Foreign Policies, West and East: On the Threshold of a New European Era.*

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Agrarian or Working-Class Radicalism? The Electoral Basis of Populism in Wisconsin

ROGER E. WYMAN

Populism in Wisconsin differed markedly from Populism in the western and southern states. It arose not out of agrarian distress but from socialist-oriented labor union radicalism. The leaders of the Wisconsin People's party came primarily from the ranks of union labor, and despite the efforts to forge a farmer-worker coalition, the party's programs were geared more to the industrial laborer than the tiller of the soil. Although the most important Populist leaders were not socialists, they were favorable to several aspects of socialism, especially public ownership of utilities. The party's electoral base, particularly in the year of its peak support, did not come from disgruntled and alienated farmers but from urban workers suffering from the effects of the Depression of 1893. Furthermore, both city wards and rural towns where the People's party did well in the 1890s tended to give disproportionate support to socialist candidates in the years prior to World War I.

The past two decades have witnessed among scholars a spirited and often acrimonious debate regarding Populism in general, which has frequently focused on the nature of the movement's radicalism.[1] The major

[1] The debate was triggered by the publication of Richard Hofstadter, *The Age of Reform* (New York, 1955); good historiographical treatments of the debate are C. Vann Woodward, "The Populist Heritage and the Intellectual," *American Scholar*, 59 (Winter 1959-1960) and Theodore Saloutos, "The Professors and the Populists," *Agricultural History*, 40 (October 1966).

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works dealing with Populism have emphasized its agrarian nature and have concentrated on the Plains states and the South.[2] If we are to understand fully the nature of Populism, it must be examined in all of its aspects: at the regional, state, and local levels;[3] in terms of both leadership and electoral support; and in areas where it was weak as well as where it was strong.

Wisconsin serves as a good illustration of the weakness of Populism in the Old Northwest. The peak of Populist voting strength there was 6.8 percent of the statewide vote, registered in 1894. The first Populist campaign, launched in 1892, garnered only 2.7 percent of the vote, and the final campaign of 1898 produced 2.6 percent.[4] No Populist congressman was elected, and victories were confined to a few municipalities.[5]

Although there is no comprehensive study of the basis of Populist support in Wisconsin,[6] recent studies of mass political behavior in the Middle West have dealt with the subject in a tangential manner. One of them, Paul Kleppner's *The Cross of Culture*, misrepresents the nature of the movement and its electoral foundations in Wisconsin.[7] Kleppner states that the Populist party "was essentially a coalition of Swedish,

[2] Major works include John D. Hicks, *The Populist Revolt* (Minneapolis, 1931); C. Vann Woodward, *Origins of the New South, 1877–1913* (Baton Rouge, La., 1951); and Norman Pollack, *The Populist Response to Industrial America* (Cambridge, Mass., 1962). For a comprehensive bibliography, see Sheldon Hackney (ed.), *Populism: The Critical Issues* (Boston, 1971), pp. 158–168.

[3] Good recent local studies include Sheldon Hackney, *Populism to Progressivism in Alabama* (Princeton, N. J., 1969); O. Gene Clanton, *Kansas Populism, Ideas and Men* (Lawrence, Kans., 1969); and Lawrence C. Goodwyn, "Populist Dreams and Negro Rights: East Texas as a Case Study," *American Historical Review*, 76 (December 1971), 1435–1456.

[4] Election returns for all statewide elections, whether from state, county, or minor civil-division level, come from the *Wisconsin Blue Book* for the year following the election.

[5] For economic differences between Wisconsin and the Plains states which help account for Populist weakness in the former, see Eric E. Lampard, *The Rise of the Dairy Industry in Wisconsin: A Study in Agricultural Change, 1820–1920* (Madison, Wis., 1963), chaps. 2, 5–7; Benton H. Wilcox, "An Historical Definition of Northwestern Radicalism," *Mississippi Valley Historical Review*, 26 (December 1939), 383–386.

[6] Robert M. Rice, "The Populist Party in Milwaukee," Master's thesis, University of Wisconsin, 1967, is the best account of Populism in Wisconsin but devotes little attention to election analysis.

[7] Paul Kleppner, *The Cross of Culture: A Social Analysis of Midwestern Politics, 1850–1900* (New York, 1970). The other studies are Richard Jensen, *The Winning of the Midwest: Social and Political Conflict 1888–1896* (Chicago, 1971), and Michael P. Rogin, *The Intellectuals and McCarthy: The Radical Specter* (Cambridge, Mass., 1967). Although Rogin accurately delineates the electoral support for the Populists, he makes unsupported and inaccurate claims that there was considerable continuity between Populism and La Follette progressivism and that Populism prefigured the modern Democratic party in Wisconsin. Ibid., p. 66.

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Norwegian, and native pietists" and was "primarily a rural entity" that drew most of its strength, especially in 1892, from previous supporters of the Prohibition party.[8]

A more comprehensive analysis of election, ethnocultural, and economic data at the minor civil-division (township and ward) level indicates a much different configuration of Populist electoral support and suggests that Populism in Wisconsin was considerably different than it was either as it existed in the South and on the Plains or as described by Kleppner. The data show that Populist voters were not disproportionately concentrated among farmers nor were they motivated primarily by pietistic or other religious values. Populist voting was the result of elements in the population seeking a radical political alternative to clearly perceived economic and political ills rather than any vague commitment to pietistic moral reform. And in urban areas, support for Populism was clearly rooted in class divisions.

An analysis of election and census data alone, however, cannot portray the Wisconsin Populist party in its full historical perspective. A brief discussion of the party's origins, leaders, and the character of its programs is essential before proceeding with the data analysis. Of particular importance is the role that trade union radicalism played in the party's development.

The Populist Party in Wisconsin

The People's party of Wisconsin was largely the creation of Robert Schilling, an organizer for the Knights of Labor who had been active in the creation of a national trade union organization and the Greenback party in the 1870s and who had been instrumental in the founding of the Knights in 1878. Possessed with an affable personality and persuasive demeanor, a booming voice that could shout down opponents, and two decades of experience in infighting in unions and splinter parties, Schilling dominated the Wisconsin Populist party from its inception to its demise. All of the party's platforms and nominees were decided upon with his acquiescence, if not his dictation.[9]

The origins of the Wisconsin Populist party can be traced directly to Schilling's drive to organize the Knights in the mid-1880s. Schilling helped organize more than forty Wisconsin lodges with more than 25,000 members as part of the union's campaign to achieve the eight-hour day for all workers by May 1, 1886. The agitation for the eight-hour day by the Knights of Labor and the more radical Central Labor Union,

[8] Kleppner, *Cross of Culture*, pp. 139–140.

[9] Milton M. Small, "The Biography of Robert Schilling," Master's thesis, University of Wisconsin, 1953, chaps. 1–3, 8; Rice, "Populist Party," chap. 1; *Dictionary of Wisconsin Biography* (Madison, 1960), p. 317.

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led by Paul Grottkau, resulted in a wave of strikes and an outbreak of violence in Milwaukee in early May. Despite pleas by Schilling and other Knights for nonviolence, clashes with the militia resulted; on the morning of May 5, troops fired into a crowd of predominantly Polish workers at the Bay View iron works, killing at least eight. The night before, an anarchist's bomb had exploded in Chicago's Haymarket Square.[10] The combined impact of Bay View and the Haymarket riot broke the back of the eight-hour movement and unleashed a backlash of antilabor sentiment. By July, a Milwaukee grand jury indicted forty-nine men, including Schilling and Grottkau, and the city council repealed an eight-hour ordinance for city workers that it had passed in March.[11]

The repression of the eight-hour movement and the subsequent all-out assault on organized labor created a backlash of its own, however, which resulted in the formation of a statewide workers' party. Schilling and other leaders of the Knights of Labor assumed control of the new party, which adopted the name of the People's party.[12] Its platform denounced the use of violence by both "fanatical anarchists" and "corrupt politicians," and demanded that "land, money, the means of communication and all public improvements . . . should be owned and controlled by the people."[13]

In Milwaukee, the 1886 campaign revolved around the riot issue.[14] The election resulted in a sweeping victory for the People's party, which

[10] Thomas W. Gavett, *Development of the Labor Movement in Milwaukee* (Madison, 1965), pp. 49–50, 56–65; Bayrd Still, *Milwaukee: The History of a City* (Madison, 1948), pp. 291–294.

[11] In subsequent trials, Grottkau and six others were imprisoned; after a hung jury occurred in Schilling's trial, charges eventually were dropped. Gavett, *Labor Movement in Milwaukee*, pp. 65–68, 71. For a fuller understanding of the political aftermath of the Bay View incident, I am also indebted to Roger D. Simon, "The Bay View Incident and the People's Party in Milwaukee," 1967 unpublished paper, in possession of the author.

[12] The People's party of 1886 should not be confused with the People's or Populist party of the 1890s that Schilling was also instrumental in founding, as noted below. In 1886, independent labor parties appeared in several cities under a variety of names. See Selig Perlman, "Upheaval and Reorganization," in John R. Commons et al. (eds.), *History of Labour in the United States, II* (4 vols., New York, 1918–1935), pp. 461–462.

[13] *Wisconsin Blue Book, 1887* (Madison, 1887), pp. 373–374. Despite the labor orientation of the party, there were no workers on the state ticket. The gubernatorial nomination went to the president of the Wisconsin Grange. Rice, "Populist Party," p. 19.

[14] This was particularly apparent in the race for the city's congressional seat. The People's party nominated the Grand Master Workman of the Knights of Labor, the Democrats chose the foreman of the grand jury that had indicted the labor leaders, and the Republicans put forth a former mayor with an antilabor record. Simon, "Bay View Incident," pp. 20–23.

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carried both the city and county for its state ticket and elected a congressman, its entire county slate, and seven legislators.[15] The contest had been drawn sharply along class lines. The People's party did best (86.5 percent of the total vote) in the solidly Polish and working-class first precinct of Ward 14; the poorest showing (5.4 percent) came from the first precinct of Ward 7, the elite district of the city located along Lake Michigan on the north side. The party won better than 70 percent in all the normally Democratic Polish working-class precincts and also polled solid majorities in heavily German working-class areas.[16]

The victory in Milwaukee in 1886 demonstrated the power that labor could muster when it flexed its political muscle. Within a few months, Schilling helped to form the national Union Labor party, a merger of the various independent parties that had appeared in 1886. The 1888 mayoralty election saw the renewal of the battle for control of Milwaukee along class lines. Fearing a labor takeover, the major parties ran a single fusion ticket.[17] Against formidable odds, the Union Labor candidate came within 945 votes of victory, and might have won had it not been for the defection of radical socialists who ran a separate Socialist Labor ticket.[18] The defeat in April broke the party's momentum, however, and the approaching presidential election reactivated the major party allegiances of many working-class voters. In November, the Union Labor party won only 2.6 percent of the statewide vote.

Between 1888 and 1890, Schilling tried desperately to broaden the party's base of support by courting farmer groups. The Farmers' Alliances were permitted to send delegates to the Union Labor convention, and the party nominated a farmer for governor in 1890. This attempt to

[15] *Milwaukee Daily Journal*, *Milwaukee Sentinel*, November 3, 1886. Statewide, Republican Governor Jerry Rusk easily won a third term. The People's party total of 21,467 votes (7.5 percent of the total vote) was the best for a minor party since the Greenback campaign of 1877 and was not surpassed until the Populist effort of 1894.

[16] Ward ethnic and occupational characteristics come from a variety of sources, primarily the *Wisconsin State Census, 1905* (Madison, 1906) but also from Kleppner, *Cross of Culture*, and Gerd Korman, *Industrialization, Immigrants, and Americanizers: The View from Milwaukee, 1866–1921* (Madison, 1967).

[17] The People's party of 1886 was absorbed into the Union Labor party. The major parties had used the fusion-slate tactic in the 1887 municipal election as well. In that contest, the party carried the city for the second straight time, electing nine aldermen, but fusion majorities outside the city prevented them from winning two county judgeships. Gavett, *Labor Movement in Milwaukee*, pp. 72–73; Jensen, *Winning of the Midwest*, pp. 265–266.

[18] The 964 votes won by the Socialist Labor ticket alone made the difference between victory and defeat, but other defections took place in German and Polish wards. Schilling blamed the defeat on the "traitor" Grottkau, who had engineered the splinter movement. *Milwaukee Sentinel*, April 4, 1888; Gavett, *Labor Movement in Milwaukee*, pp. 73–75; Still, *Milwaukee*, pp. 284–286.

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merge agrarian and labor radicalism proved futile, however, as the party's state ticket won only 2.3 percent of the statewide vote.[19]

Despite dwindling electoral support for the Union Labor party, Schilling continued his efforts to effect a farmer-labor alliance. A delegate to the May 1891 Cincinnati convention that laid the groundwork for a national People's party, Schilling emerged as secretary of the National Executive Committee, and within weeks the Wisconsin Populist party was born. The attempt to appeal to both farmers and workers without alienating either was apparent at the party's first convention in May 1892. Schilling was chosen chairman of the party's state central committee, but Cyrus M. Butt, president of the Wisconsin Farmers' Alliance, was nominated for governor. The platform was taken largely verbatim from the St. Louis statement of February 1892 and the platforms of the People's party of 1886 and the Union Labor party.[20] Unfortunately, the Populists lacked a compelling issue in 1892 to unite farmers and workers, and they did little better than the Union Labor party had done in 1890.

The suffering caused by the Depression of 1893 gave the Populists a powerful issue to exploit, although it lacked the dramatic quality of the events of 1886. Along with heightened prospects for success also came new allies, the most important of which were the socialists. In the fall of 1893, Victor L. Berger, rapidly emerging as the dominant figure in Milwaukee socialism, called together representatives of the Populist party, the Federated Trades Council, the socialist *Turnverein*, and the Socialist Labor party to organize a common political effort in Milwaukee. The result was a Cooperative Labor ticket for the 1894 municipal elections and the endorsement of the Populists in their state campaign.[21]

At the 1894 Populist convention it was Berger and the socialists who provided the only serious challenge to Schilling's leadership of the party. Schilling was able to maintain organizational control but was forced to make serious concessions regarding the platform to prevent a socialist bolt of the convention. The socialists inserted the entire political program that had been presented to the 1893 convention of the American

[19] Gavett, *Labor Movement in Milwaukee*, pp. 75–77; Rice, "Populist Party," pp. 26–29, 34.

[20] Rice, "Populist Party," pp. 39–61; *Wisconsin Blue Book, 1893* (Madison, 1893). For the text of the St. Louis statement, see Hicks, *The Populist Revolt*, pp. 435–439.

[21] With the accession of the socialists to the Populist ranks, Wisconsin Populism became, at least temporarily, a "united front" movement. J. M. Klotsche, "The 'United Front' Populists," *Wisconsin Magazine of History*, 20 (June 1937), 375–382. See also Gavett, *Labor Movement in Milwaukee*, pp. 90–93; Rice, "Populist Party," pp. 109–118; and Marvin Wachman, *History of the Social Democratic Party of Milwaukee, 1897–1910* (Urbana, Ill., 1945), pp. 9–12.

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Federation of Labor, including point ten advocating the "collective ownership by the people of all means of production and distribution."[22] Despite a qualifier attached to that clause by the convention, the platform was more radical than that passed by any other Populist party in 1894. Adopted the day troops arrived in Chicago to break the Pullman boycott, the platform seemed more oriented toward urban workers than toward the rural voters who had supported the party in 1892.[23]

The alliance between the Populists and socialists enabled the Populist party to make significant gains in urban areas in 1894. As hard times continued and as further gains were made in municipal elections, Wisconsin Populist leaders became optimistic about the party's chances in 1896.[24] The nomination of William Jennings Bryan by the Democratic party caused a rapid change of mood, however, as fusion with the Democrats loomed inevitable. At the national convention, both Schilling and Berger opposed the endorsement of Bryan as the party's presidential candidate. Once Bryan was nominated, Schilling accepted the decision but the socialists did not, and Berger resigned from the party.[25]

Fusion with the Democrats doomed the Populists' existence as an independent political party. The surrender of their local organization to the Democrats and the disillusionment of defeat in 1896 sapped the energy and enthusiasm built up in earlier campaigns. Fusion was good for one "last hurrah," however, as Populists and Democrats joined to elect David S. Rose mayor of Milwaukee in 1898; but even that turned sour when Rose betrayed those who elected him. In the fall, the Democrats flatly refused to yield two places on a fusion ticket to the Populists, who then were forced to enter their own slate. Their gubernatorial nominee polled a feeble 8518 votes, and the Populist party passed quietly from the Wisconsin political scene.[26]

[22] In addition to differences over ideology and tactics, personal rivalry and jealousy was involved in the conflict between Schilling and Berger, two domineering personalities. Gavett, *Labor Movement in Milwaukee*, pp. 93–94; Rice; "Populist Party," pp. 127–133; Small, "Schilling," pp. 285–290. For the platform, see *Wisconsin Blue Book, 1895* (Madison, 1895), pp. 457–458.

[23] In Illinois, where the same "popular front" tactics were employed, socialist delegates also succeeded in getting the AFL political program into the Populist platform, but minus point ten. Klotsche, " 'United Front' Populists," p. 380.

[24] In 1895, the Populists reelected a mayor in La Crosse, and in April 1896 the party elected mayors in Wausau and South Milwaukee and made significant gains in other parts of the state. *La Crosse Morning Chronicle*, April 3, 1895; *Wausau Pilot-Review*, April 14, 1896; Small, "Schilling," pp. 303–304; Rice, "Populist Party," pp. 165–168.

[25] Small, "Schilling," pp. 304–310. In the fall, Berger's moderate socialists shifted their support, temporarily at least, to the Socialist Labor party. Gavett, *Labor Movement in Milwaukee*, p. 94.

[26] Still, *Milwaukee*, pp. 303–306; Small, "Schilling," pp. 326–330.

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Populist Voters, 1892 and 1894

The analysis of Populist electoral support that follows confronts several major questions central to determining the nature of the movement. First there is the obvious question of who voted for the Populists—that is, whether or not the party won disproportionate support from particular economic, ethnic, or religious groups. This section examines the configuration of the Populist vote in the party's campaigns of 1892 and 1894. The following section deals with the question of where the Populist vote went in 1896 and thereafter. The most important question, namely *why* people voted Populist, is confronted in the section, "Economic versus Cultural Motivation of Populist Voting," which examines the sources of Populist support in elections prior to 1892 and compares the relative strength of economic versus cultural factors in motivating Populist voters.

The Wisconsin People's party undertook two major statewide campaigns, in 1892 and 1894. Although there were continuities in the party's electoral support in both elections, the configuration of the Populist vote in 1894 differed sharply from that of 1892. Consequently, each election must be analyzed separately before they can be considered together.

Despite a poor statewide showing in 1892, the Populists won at least 10 percent of the vote in four counties and at least 6 percent in nine others.[27] At the minor civil-division level, the party won a majority or plurality in eleven voting units—ten rural towns and one city ward.[28]

The 1892 Populist vote was decidedly rural. There was no clear-cut geographic pattern, however, among the individual towns and wards that voted strongly Populist. There were no firm centers of Populist party support; rather, its strength was widely dispersed in small isolated pockets around the state, largely in the north. The party fared poorly in the cities, running strongly only in La Crosse and Merrill.[29]

[27] The thirteen counties were, in descending order of Populist percentage: Dunn, Lincoln, Burnett, Barron, La Crosse, Polk, Vernon, Shawano, Green, Richland, Douglas, Chippewa, and Marinette. Nine of the thirteen were in the northern and/or western parts of the state.

[28] The units were Cumberland (first precinct) and Dovre, Barron County; Auburn, Chippewa County; Grant and Sand Creek, Dunn County; Ward 6 in Merrill, Lincoln County; Armstrong, Oconto County; Maine, Outagamie County; St. Croix Falls and West Sweden, Polk County; and Lessor, Shawano County. Populist percentages ranged from 62.0 in Grant to a slim 34.0 in St. Croix Falls. The party also received at least 15 percent of the vote in another three dozen or so units.

[29] The large Populist vote in Merrill, where the party won one ward and finished second in another, can be traced to Schilling's intervention in a sawmill workers' strike there in the summer. [Merrill] *Lincoln County Advocate*, July 26, August 2, 16, 1892; Small, "Schilling," pp. 276–277; Jensen, *Winning of the Midwest*, p. 267.

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Although the party was most successful in rural areas that were relatively poor, strong Populist areas did not share common economic characteristics. The party won the votes of some lumber and sawmill workers in a few locations, but the large majority of its support came from farming areas. Type of farming made little difference; the Populists did not win disproportionate support from farmers engaged in any particular type of agriculture.[30] By and large, strong Populist support came from areas that were poor but not destitute. For example, the town of Lessor in Shawano County in northeastern Wisconsin voted 50.8 percent Populist in 1892. While Lessor's income per farm in 1905 was only $455 (the state average was $1,060),[31] that figure was not too far below the county average of $593 and was considerably higher than two solidly German towns in the same county that gave the Populists only a few votes.[32] The income per farm figure for Auburn, in Chippewa County, which also voted Populist in 1892, was $926, better than the county average of $771.[33] Farmers and farm workers who voted Populist were not destitute and in some cases were more prosperous than neighbors who remained with the major parties. Economic condition, then, does not seem to have been a major factor in motivating Populist voters.

A stronger relationship exists between areas with large Populist votes and ethnicity. There was a marked tendency of towns with a significant Populist percentage to have sizable Norwegian and/or Swedish populations. West Sweden, in Polk County, where the Populists won a plurality with 44.0 percent, was one of the most Swedish towns in Wis-

[30] The Populists won very few votes in the prosperous dairy regions of eastern and southern Wisconsin, but some strong Populist units had significant shares of their annual farm income come from dairy products. In Navarino, Shawano County (37.8 percent Populist), dairy products constituted 38 percent of the town's total farm income in 1905, and in New Haven, Dunn County (29.8 percent Populist), the figure was 33 percent. In contrast, dairy products were only 10 percent of the income in Grant, Dunn County, and 12 percent in Lessor, Shawano County (50.8 percent Populist).

[31] The comprehensive Wisconsin census of 1905 included virtually complete agricultural data for each township in the state. Income per farm was calculated by dividing the total farm income for each town (total value of all crops grown; eggs, wool, and poultry produced; livestock sold or consumed; and total dairy products, including factory products) by the number of farms.

While the 1905 level of income for any given town cannot accurately be projected backward a decade and a half, the *relative* values of towns within a county or between counties was probably not much different in 1905 than in 1892. The source of all township economic data is *Wisconsin State Census, 1905*.

[32] The income per farm for Richmond was $323; it was $379 for the town of Seneca.

[33] At the county level, twelve of the thirteen counties voting more than 6 percent Populist were among the twenty-five counties with the lowest average land values in 1890; most were not among the poorest counties, however.

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consin; Dovre, in Barron County (47.7 percent Populist) had a Norwegian majority. In Dunn County, the seven towns where the Populists did well were all among the most Norwegian units in the county, and the three Shawano County towns giving the Populists a significant share of their vote were the only ones with substantial Norwegian populations.[34]

Although most rural areas that gave the Populists a significant percentage of their vote had large Norwegian or Swedish populations, this does not mean that Scandinavians tended to vote Populist. The large majority of Wisconsin Scandinavians voted Republican, as they had since the 1850s.[35] In populous Dane County, with several Norwegian settlements, the People's party received only seventy-one votes, and despite Populist success in a few towns in Vernon County, the towns of Coon and Christiana, the two most solidly Norwegian voting units in the state, gave the Populists a total of seven votes. Indeed, only one of the twenty-two most Norwegian voting units in the state (Colfax, in Dunn County) registered a Populist vote of more than 5 percent.[36] The People's party did only slightly better in the ten solidly Swedish areas in Wisconsin. Although only West Sweden voted Populist, the party won better than 15 percent in four other towns. Four others, however, voted less than 4 percent Populist.[37]

In 1894, the severe crisis facing the nation after more than a year of deepening depression encouraged Populist leaders, but the party polled only 6.8 percent of the vote as the GOP returned to power in a landslide victory. Although failing to challenge the position of either major party, the Populists made significant gains, increasing their vote by more than two-and-one-half times. The party's gubernatorial candidate, D. Frank Powell, then Populist mayor of La Crosse, ran well in several parts of the

[34] The source for town and village level ethnic data is "Cultural-Ethnic Backgrounds in Wisconsin" (eleven-volume typewritten manuscript in possession of Rural Sociology Department, University of Wisconsin), a retabulation of manuscript returns from the *Wisconsin State Census, 1905*. The base for all percentages was the total number of family heads. Ethnic percentages are of foreign stock (foreign-born plus native-born of foreign parents). Data taken from the 1895 census would have yielded similar results.

[35] For a concise description of Scandinavian voting patterns in nineteenth-century Wisconsin, see Roger E. Wyman, "Voting Behavior in the Progressive Era: Wisconsin as a Case Study," Ph.D. diss., University of Wisconsin, 1970, pp. 611–619, 649–653.

[36] The twenty-two voting units were all more than 70 percent Norwegian. All posted Republican majorities in 1892, seven of them in excess of 75 percent; the mean Republican percentage was 69.9.

[37] The remaining nine towns voted Republican. The mean GOP percentage for all ten towns, each at least 50 percent Swedish, was 58.1.

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state, winning at least 10 percent in eleven counties.[38] Only in rural Burnett County in northwestern Wisconsin, however, did he place second. Despite the statewide gains, Powell won a majority or plurality in only ten voting units, one fewer than in 1892.[39] Powell finished second to either Republicans or Democrats in more than fifty voting units and won at least 20 percent of the vote in seventeen more voting units despite finishing third.

The contrast between the Populist vote in 1894 and 1892 is extraordinary. There was a distinctly urban cast to the 1894 Populist vote as the party ran exceptionally well in several cities around the state. Powell received 13,818 votes—54.0 percent of his statewide total—in the state's six cities alone, and he won more than 20 percent of the vote in Racine, Tomahawk, La Crosse, Sheboygan, Milwaukee, and Merrill.

The contrast between 1894 and 1892 can best be seen by examining the areas where the Populists were strong. First, only three of the ten units voting Populist in 1894 had done so in 1892.[40] Second, four of them were city voting units; in addition, more than one-third of the fifty voting units where the Populists finished second were city wards or precincts.

In the cities, the Populists invariably ran best in heavily working-class areas, and they did especially well among German skilled workers. In Sheboygan, the Populists won a plurality in the ward with the highest percentage of both Germans and workers, and the three top Populist wards ranked one, two, and three in the percentage of workers. In Milwaukee, the People's party won at least 25 percent of the vote in Wards 9, 10, and 13, all of which were among those with the highest percentages of both Germans and skilled workers. In addition, the Populists won 22.5 percent in the solidly unskilled and Polish Ward 14 and 18.8 percent in Ward 3, populated largely by Irish workers. Populist strength in La Crosse was more ethnically heterogeneous than in the cities mentioned above: the one ward that the Populists carried was more than 70 percent native American and Scandinavian, and the ward that received the second largest number of Populist votes ranked first in

[38] The counties were, in descending order of Populist percentage: Burnett, Milwaukee, Lincoln, La Crosse, Racine, Douglas, Dunn, Barron, Sheboygan, Florence, Polk, and Chippewa.

[39] The ten units were the towns of Marshland, Burnett County; Auburn, Chippewa County; Weston, Dunn County; Bone Lake and West Sweden, Polk County; Hill, Price County; Ward 20 in La Crosse; Ward 6 in Merrill, Lincoln County; Ward 5 in Sheboygan; and Buffalo City, Buffalo County.

[40] The three were Ward 6 in Merrill and the towns of Auburn and West Sweden. Of the eight towns voting Populist in 1892 but not in 1894, five registered Populist percentages in 1894 of at least 25 percent.

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Scandinavian percentage. The other four strong Populist wards included two primarily German wards.

In rural areas the 1894 Populist vote did not differ significantly from that of 1892. Populist candidates remained strong in parts of northern Wisconsin that were relatively unprosperous and had large Scandinavian populations. Despite some consolidation of Populist strength in parts of some counties (Barron, Burnett, and Dunn especially), the party still lacked a firm geographic base.

The strong relationship between Populist strength and ethnicity that existed in 1892 declined somewhat in 1894. The marked tendency of strong Populist areas to have Norwegian and Swedish populations continued, but was less pronounced. In Barron County, the Populists were strongest in the heavily Norwegian towns but also did well in a few towns with native and Swedish majorities and in one town where Bohemians were the largest ethnic group. In Dunn County, the Populists won in Weston, with a native American and German majority, but the other towns where the party did well had significant Norwegian populations. In Buffalo County along the Mississippi, the Populists polled more than 25 percent in three voting units along the river that were solidly German and German-Swiss; but inland towns that were equally German and Swiss steadfastly rejected Populism, as did the Norwegian towns in the county.

The analysis of the configuration of the Populist vote in the elections of 1892 and 1894 taken together as well as separately leads to the following conclusions:

(1) The Populist voter profile had two distinct components: the rural voters who formed the backbone of Populist support in 1892 and continued to support the party in 1894; and the urban voters who supported the party in 1894.

(2) In 1894—the pinnacle of Populist strength—a majority of Populist votes came from urban, working-class voters. These voters also tended to be disproportionately German, but that fact may be accounted for by the strength of German membership in trade union and socialist organizations that allied with the People's party in 1894.

(3) In rural areas, there were no clearly discernible economic correlates with Populist strength. Towns with large Populist votes were generally unprosperous but not especially poor; there were no detectable relationships between Populist strength and land values, farm income, nor type of farming.

(4) A definite pattern of support for Populism in rural areas along ethnic lines existed, but its significance is open to question. Strong Populist towns had a pronounced tendency to have large Scandinavian populations, but only a small minority of the state's Norwegians and Swedes

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voted Populist. A few Populist areas were German, but the party won virtually no support from either prosperous or poor heavily German settlements in eastern and central Wisconsin.

Where the Populist Vote Went

Just as the preceding voter profile is crucial to an understanding of the nature of Populism, an examination of where the Populist voters of 1892 and 1894 went in 1896 and after is also revealing. While the bulk of Populist supporters drifted back to the major parties, many transferred their commitment to other radical political parties.

The Populists' surrender of their independent party existence at both the national and state levels in the abortive fusion campaign of 1896 dictated the demise of the party as an independent political force in Wisconsin. Not surprisingly, the bulk of the Populist vote went to William Jennings Bryan in 1896. The large majority of areas voting strongly Populist in 1892 and 1894 shifted their support primarily to Bryan and the "new Democracy" he represented. Support for Bryan was nowhere near unanimous among Populist voters, however; several strong Populist voting units either split their support between the two major parties or shifted it to McKinley and the Republicans.

The simplest way to discover how former Populists voted in 1896 is to compare the Republican and Democratic percentages for 1896 and 1894 in areas where the Populists had been strong. Table 1 shows the dispersal of the Populist vote between the major parties in 1896 for the ten

TABLE 1

Voting Units Registering a Populist Plurality, 1894, and Shifts in Major Party Percentages of Total Vote, 1894–1896

Unit, County	*Populist, 1894*	*Change in Major Party 1894–1896*		*Party Plurality, 1896*
		Democratic	*Republican*	
Bone Lake, Polk	68.4%	53.9%	29.8%	Dem.
Hill, Price	66.7	20.8	45.8	Rep.
West Sweden, Polk	63.6	54.8	10.7	Dem.
Weston, Dunn	47.4	37.0	11.8	Dem.
La Crosse, Ward 20, La Crosse	46.7	14.7	33.7	Rep.
Marshland, Burnett	45.7	49.2	4.1	Dem.
Merrill, Ward 6, Lincoln	44.9	40.4	4.9	Dem.
Sheboygan, Ward 5, Sheboygan	44.3	5.6	21.1	Rep.*
Buffalo City, Buffalo	41.9	42.5	6.6	Dem.
Auburn, Chippewa	41.2	29.7	10.1	Rep.

*In 1896, 17.8 percent of total vote was won by the Socialist Labor party.

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units registering a Populist plurality in 1894 by comparing the Populist percentage of each for 1894 and the shifts in major party percentages between 1894 and 1896. In seven of the ten units, Populist support shifted solidly to Bryan; in two others the vote went to McKinley; and in Sheboygan's Ward 5 it was split between McKinley and the Socialist Labor ticket, which won 17.8 percent.

The voting units contained in Table 2 were selected to demonstrate three different patterns of how Populists shifted their votes in 1896. The first group of towns represents what was by far the most common pattern—strong support for Bryan with some shifting toward McKinley. This pattern was especially typical in strong Populist areas with substantial Scandinavian populations. In most cases, however, these areas remained safely Republican; the normal Democratic percentage was so low that not even the addition of Populist votes could overcome the Republicans in a two-party contest.

The second group of units in Table 2 represents a pattern in which Populist voters split their support between the two major parties. In the town of Alma, Populists seemed to divide almost equally between Bryan and McKinley; in the other two Buffalo County towns that had registered strong Populist votes, however, Populists supported Bryan. The

TABLE 2

Shifts in Major Party Percentages of Total Vote, 1894–1896: Examples of 3 Patterns of Vote Shifts

Unit, County	Populist, 1894	Change in Major Party, 1894–1896		Party Plurality, 1896
		Democratic	Republican	
Cumberland, Barron	42.9%	35.9%	11.2%	Rep.
Grant, Dunn	34.4	24.8	11.4	Rep.
Navarino, Shawano	24.4	27.0	2.2	Rep.
Stark, Vernon	22.6	21.5	1.0	Rep.
Cadiz, Green	30.4	22.3	–0.6	Dem.
Alma, Buffalo	28.8	14.3	15.1	Dem.
St. Croix Falls, Polk	27.8	14.1	16.3	Rep.
New Haven, Dunn	33.7	15.8	16.4	Rep.
Milwaukee, Ward 9, Milwaukee*	27.1	14.2	15.7	Rep.
La Crosse, Ward 9, La Crosse	36.7	10.4	27.6	Rep.
La Crosse, Ward 11, La Crosse	30.8	3.9	27.5	Rep.
La Crosse, Ward 19, La Crosse	24.0	1.0	23.9	Rep.
Tilden, Chippewa	20.5	4.3	16.2	Dem.

*Percentages reflect adjustments made because of ward boundary changes between 1894 and 1896.

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least common major pattern was a decided shift to the Republican party, represented by the final group of units in the table. In La Crosse, both the German and Scandinavian Populists shifted to McKinley rather than Bryan. Sheboygan Populists exhibited a unique pattern; about half of the Populist vote in Wards 4 and 5 went to neither major party, but instead to the Socialist Labor party.

Although a substantial majority of Populists supported Bryan in 1896, many of them did not remain permanently in the Democratic party. Some voted Populist again in 1898. Despite the dismal statewide showing of that year, the Populist party polled better than 10 percent of the total vote in two counties and between 5 and 10 percent in four others.[41] In 1900, however, despite Bryan's continued presence on the Democratic ticket, many more formerly Populist areas voted Republican than had in 1896. Of the ten units that had voted Populist in 1894, only two voted Democratic in 1900 (Buffalo City and Weston) compared to six in 1896.

Former Populist-leaning areas did not completely abandon their tendency toward political radicalism after 1896. In 1897, Victor Berger founded the Social-Democratic party, and slowly but steadily, the sagacious Berger built up the party's strength until in 1910 the Social-Democrats captured the city and county of Milwaukee and polled a substantial share of the vote in other Wisconsin cities.

There is perhaps nothing more conclusive regarding the socialist-oriented nature of Populism in Wisconsin than the fact that by 1912, several areas that had voted Populist in 1892 and 1894—in rural northwestern Wisconsin as well as in the cities—gave Berger's Social-Democrats a substantial share of their vote. In Milwaukee, the Social-Democrats were strong enough by 1904 to challenge the major parties in the German working-class areas that had constituted the old Wards 9, 10, and 13—the strongest Populist areas. The only two wards to vote Social-Democratic in all statewide elections between 1904 and 1910 were the twentieth and twenty-first, carved out of Wards 10 and 13, respectively. By 1910, when they captured the city for the first time, the Social-Democrats had also won strong support in the Polish areas. The Social-Democratic coalition of 1910 was thus very similar in its configuration to the less successful coalition built by the Populists and also closely resembled that of the People's party of 1886. Sheboygan's Ward 5 was perhaps the most consistent voting unit in the state in its support of radical politics, voting Populist in 1894, giving the Socialist Labor party a sizable vote in 1896, and turning in significant Social-Democratic per-

[41] They were, in order of descending Populist percentage: Burnett, Racine, Winnebago, Milwaukee, Polk, and Dunn.

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centages thereafter. It gave the Social-Democrats a plurality as early as 1902.

Much more surprising, however, is the success that Berger's Social-Democratic party enjoyed in *rural* areas of Wisconsin that had voted strongly Populist in the 1890s. Of forty towns and villages throughout the state which had voted at least 20 percent Populist in either 1892 or 1894 (or both), no fewer than nineteen voted 10 percent or more Social-Democratic in 1910 or 1912, years of peak socialist strength in the next decade. Six of them voted at least 20 percent Social-Democratic, and three of them—West Sweden, Armstrong in Oconto County, and Maple Plain in Barron County—gave the Social-Democrats a majority in either 1910 or 1912. In addition, several areas that had voted between 10 and 20 percent Populist also registered significant Social-Democratic percentages between 1910 and 1914. For example, in 1910 the Manitowoc County village of Kiel (13.6 percent Populist in 1894) registered a Social-Democratic plurality, and Port Edwards in Wood County (17.1 percent in 1894) voted 24.8 percent Social-Democratic.

Economic versus Cultural Motivation of Populist Voting

The most important question in analyzing the basis of support for Populism is why people voted for the party. The voter profile presented in the section "Populist Voters, 1892 and 1894," when combined with a careful examination of the sources of Populist votes—from which of the old parties they were drawn—provides insight into the motivation for voting Populist and the nature of the movement in Wisconsin.

Kleppner's claim that "Wisconsin's Populist party was essentially a coalition of Swedish, Norwegian, and native pietists" whose most important source of recruitment was the Prohibition party raises two crucial questions. The first one asks: from where did the Populist votes come? The second question—what role did religious conflict play in motivating voters to support Populism?—raises a much larger issue, namely that of the relative importance of ethnoreligious forces, class and other economic factors, and ideology as determinants of voting behavior. One of a group of historians writing in the past decade who have stressed the primacy of ethnocultural forces in American voting behavior in the nineteenth century,[42] Kleppner contends that cultural conflict—specifically

[42] Others include Lee Benson, Samuel P. Hays, Richard Jensen, Samuel T. McSeveney, Ronald Formisano, Michael F. Holt, and myself. For an excellent historiographical discussion of ethnocultural political history, see Richard L. McCormick, "Ethno-Cultural Interpretations of Nineteenth-Century American Voting Behavior," *Political Science Quarterly*, 89, no. 2 (June 1974).

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the clash of pietistic versus nonpietistic religious value systems—was paramount in shaping party identification and voting patterns in the Old Northwest in the late nineteenth century.[43] Although this claim is accurate in describing the formation of major party allegiances, it does not apply to the Wisconsin Populists.

The assertion that the People's party drew its support in 1892 largely from former Prohibition party supporters does not bear up under careful scrutiny. Statewide, the Prohibition party percentage of total vote in 1892 was identical to that of 1890: 3.6 percent.[44] It is true, however, that the Prohibition party vote declined in 1892 in some areas where the Populists were strong, especially in Swedish towns. In Wood Lake, in Burnett County, the Prohibitionists polled between 40 and 43 percent in 1888 and 1890; in 1892 their vote fell to 28.0 percent while the Populists garnered 22.9 percent. In Auburn, in Chippewa County, the Prohibition vote fell from 15.6 percent in 1888 to 7.2 percent in 1892, and in West Sweden it dropped from 15.6 percent in 1890 to 10.0 in 1892. Although these declines are significant, they do not account for a particularly large share of the Populist total in 1892. If the Populists benefited from the full Prohibition decline of 5.6 percent in West Sweden, for example, it still leaves unaccounted for 39 percent of the total vote that went to the Populist party.

Furthermore, in many other strong Populist towns, the Prohibition vote did not decline significantly in 1892. In Black Brook, in Polk County, which voted 24.2 percent Populist in 1892, the Prohibition percentage of the total vote was stable between 1888 and 1892, going from 15.2 to 16.7 to 14.1 in 1892; it also remained constant in several Barron County towns voting strongly Populist in 1892. And in Grant, in Dunn County, the Prohibition vote *increased* in 1892 at the same time the Populists posted a majority.

If the Populist party benefited significantly from Prohibitionist defections, it did so in 1894 rather than 1892. Several towns where the Prohibition party percentage had remained stable between 1888 and 1892 registered sharp declines in 1894, largely as a result of fusion on the local level between the two minor parties.[45] The best example is the town

[43] Kleppner, *Cross of Culture*, chap. 2. See also Jensen, *Winning of the Midwest*, chap. 3, and Wyman, "Voting Behavior," chap. 2.

[44] The statewide Prohibition vote actually increased, from 11,246 in 1890 to 13,265, but the percentage remained constant due to an increase in total vote.

[45] In both 1892 and 1894, the Prohibition party in a few counties endorsed the county tickets of the People's party, and in 1892 the Populist congressional candidate in the tenth district (northwestern Wisconsin) ran with Prohibition support. Fusion on the local level may have provided an added inducement for Prohibitionists to desert their state ticket as well. See [Menomonie] *Dunn County News*, September 7, 1894; *Cumberland Advocate*, October 6, 1892; Rice, "Populist Party," pp. 82, 95–97.

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of Marshland in Burnett County, which posted a Prohibition majority in 1892 and a Populist plurality in 1894. Fusion was strictly a local phenomenon, however, that took place in just a few northern counties with strong Scandinavian populations. The Populists steadfastly rejected fusion on the state level with either the Prohibitionists or the Democrats.[46] While the Populists did indeed siphon off some support from the Prohibition party in both 1892 and 1894, this does not account for a large component of Populist electoral support.

In 1892, the People's party attracted blocs of support from adherents of all the other parties—Republicans, Democrats, Prohibitionists, and Union Laborites—but the great bulk of Populist voters came from the Republican ranks. The most consistent pattern in towns voting strongly Populist in 1892 was the drawing off of a large number of Republican votes plus smaller amounts from the Democrats and the minor parties. The town of Grant in Dunn County was typical. In 1890 it voted 79.7 percent Republican, 14.9 percent Democratic, and 2.7 percent each for the Prohibition and Union Labor parties. In 1892, the Populists garnered 62.0 percent, the Republicans 31.5 percent, the Prohibitionists 5.6 percent, and the Democrats only .9 percent. While the Democrats seemed to have gone over to the Populists almost to a man, more Populist votes came from Republicans than Democrats.

Other patterns of vote shifting also operated in 1892 but were less common. In Auburn, virtually all Populist support came from the GOP, as the Democratic vote remained stable. In Merrill, Populists seem to have been drawn in roughly equal proportions from among Republicans and Democrats, and in normally strongly Democratic Alma in Buffalo County, the bulk of Populist votes came from the Democrats.

A comparison of the voting returns of areas having significant Populist percentages in 1892 with the returns for *1888* as well as 1890 reveals that there was a distinct pathway in terms of the origins of Populist support, a pattern that holds for a large majority of those areas. It can be described as follows: In 1888, these towns voted strongly Republican, with the remainder of the vote going to the Democratic and in some cases also to the Prohibition party. Then, in 1890, with the Republicans still winning majorities, these towns registered a sizable vote for the Union Labor party. In more than two dozen towns examined, only two had

[46] Rice, "Populist Party," pp. 95–98, 155. Fusion at the local level between Populists and Democrats was less common. In 1892, Barron County Democrats supported most of the Populist county ticket, and in 1894 Cyrus M. Butt, Populist gubernatorial nominee in 1892, ran for Congress as a Populist-Democratic fusion candidate. Schilling especially opposed fusion with Democrats since it served as a deterrent for Republicans to defect. Ibid.; *Barron County Shield*, October 14, 1892.

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given the Union Labor party *any* votes in 1888, but in 1890 ten towns voted at least 5 percent Union Labor, three of them surpassing 25 percent. In most of these ten towns, the percentage of total vote won by the Prohibition and Democratic parties also increased. Clearly, the gains made by all these parties came at the Republicans' expense. The final step in the pattern was the transference of the 1890 Union Labor vote to the People's party, which had absorbed both the leaders and some of the platform of the former.

The meaning of the above pattern is clear. The People's party proved attractive to voters in these towns in 1892 not because it was perceived as supporting political manifestations of pietism but because it provided a *radical political alternative.* The People's party benefited from a trend toward political radicalism that began not in 1892 but in 1890, if not earlier. It was radicalism born of political and economic discontent, not the desire to seek the implementation of any religious value system that motivated these voters to embrace Populism. In 1890 this discontent manifested itself through the Union Labor party and in 1892 through the People's party.

The contention that the People's party was a coalition of pietists implies that there was some appeal in Populism that would attract voters on the basis of religious values. This certainly cannot apply to the large body of rural voters who came to the Populist party in 1892 via the Union Labor party, for the Union Labor party had little appeal for pietists in 1890. The election of 1890 in Wisconsin revolved around the Bennett Law of 1889, which stipulated that all parochial schools had to offer instruction in the English language. Pietistic Protestant groups rallied solidly behind the law's champion, Republican Governor William D. Hoard, who was seeking reelection.[47] Voters who deserted Hoard and the GOP for the Union Labor ticket certainly did not do so for religious reasons. The primary motivation was discontent over Republican economic policy, especially as reflected in the McKinley tariff.[48]

On the surface, the fact that the Populists won votes from the Prohibition party in 1892 might suggest that there was something in Populism attractive to pietists. But this rests on the assumption that those who had voted for the Prohibition ticket did so out of pietistic zeal to enact moral reform. There is evidence, however, to indicate that some

[47] Roger E. Wyman, "Wisconsin Ethnic Groups and the Election of 1890," *Wisconsin Magazine of History*, 51 (Summer 1968), 269–280. See also Jensen, *Winning of the Midwest*, pp. 122–142; Kleppner, *Cross of Culture*, pp. 158–171.

[48] Discontent over the McKinley tariff was particularly evident in the heavily Scandinavian areas of the state. Defection to the Union Labor party was a less common manifestation of discontent among these normally staunch Republicans than was a decision not to vote in the election. See Wyman, "Wisconsin Ethnic Groups," pp. 286–293.

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normally Republican voters, especially Scandinavians, who were disgruntled with the economic situation and/or Republican economic policy, voted for the Prohibition party rather than the less "respectable" Democratic party in order to register their discontent. One Buffalo County Republican expressed just that sentiment in 1888. Writing to Congressman Nils P. Haugen, he reported "quite a number of Americans . . . joining the Prohibition party mainly on the Tariff issue[. T]hey are ashamed to join the Democrats. . . . "[49] The Prohibition vote in many northern counties in 1888 and 1890, therefore, may have been composed of dissidents interested in economic reform as well as pietists demanding an end to demon rum.[50] Thus, it was easy for the former to leave the Prohibition party for the Union Labor party in 1890 or for the Populists in 1892 or 1894.[51] Dissatisfied with the Republican party but too conditioned to distrust the Democracy of rum, Romanism, and rebellion, they embraced the Prohibition party as an expedient until a party emerged that better articulated their concerns. For some, it was the Union Labor party in 1890 and then the Populists; for others, it was the Populist party in 1892; and still others waited until 1894 to desert the Prohibition party for Populism.

In urban areas, Populist voting closely followed class divisions, and the large majority of urban Populist votes came from nonpietistic religious groups—mostly Lutherans and Catholics.[52] Many of the urban working-class voters who supported the Populists in 1894 had also demonstrated an earlier commitment to political radicalism. In Milwaukee, Populist strength in the general election of 1894 and the municipal elections of 1894 and 1896 were concentrated in three predominantly German working-class wards (9, 10, and 13), all of which had been bulwarks of strength for the labor party efforts of 1886–1888. Similarly,

[49] H. A. Lee to Nils P. Haugen, October 9, 1888, Haugen Papers, State Historical Society of Wisconsin. See also the following letters to Haugen: A. H. DeGroff, October 1, 1888; W. E. Plummer, October 2, 1888; and C. Anderson, October 3, 1888, in the Haugen Papers.

[50] Democratic leaders in 1888 were also aware of the disaffection in the Republican ranks and were confident of capitalizing on it; much of it probably went to the Probition party instead, however. See Horace S. Merrill, *William Freeman Vilas: Doctrinaire Democrat* (Madison, 1954), pp. 155–156; W. H. Phipps to Nils P. Haugen, October 26, 1888, Haugen Papers; John J. Robertson to Ellis B. Usher, October 26, 1888, Ellis B. Usher Papers, State Historical Society of Wisconsin.

[51] Some voting units that did not register sizable Populist percentages until 1894 had previously polled large Union Labor votes: for example, Cadiz in Green County (30.4 percent Populist in 1894) had voted between 7 and 10 percent Union Labor in 1888 and 1890.

[52] Kleppner acknowledges this fact, but restricts any discussion of the role of class factors in Milwaukee to the election of 1894. *Cross of Culture*, pp. 201–203.

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Sheboygan's Ward 5 had given the Union Labor party 22.2 percent of its vote in 1888 and 14.5 percent in 1890.

Religious and ethnic factors did have some effect upon Populist voting, although in a negative manner. As noted above, dissident Republicans in 1888 and 1890 did not defect to the Democratic party because they had been conditioned to view it as representing the interests of Popery and liquor. Prevented by these culturally based prejudices from voting Democratic, it was easier for these disaffected pietistic Republicans to vote Populist. This does not mean, however, that they were attracted to Populism because they saw it as a vehicle through which pietistic values would be defended and protected; their Populist votes were registered as either an endorsement of the Populist program and ideals or as a protest vote against Republican economic policy. In a similar fashion, many Lutheran and Catholic Democrats chose the Populist party in 1894 to register their protest against Democratic economic policy because they had been conditioned to view the Republican party as the agent of anti-Catholics, prohibitionists, and other pietistic moral crusaders.

While such ethnocultural considerations may have benefited the Populists, others prevented voters from supporting the party. The most solid supporters of the People's party of 1886 and the Union Labor party in Milwaukee had been Irish and Polish Catholic workers. The Bennett Law furor of 1890, however, strongly reinforced their normal Democratic loyalties, formed as a result of Republican nativism and anti-Catholicism stretching back to the 1840s. As Democratic prospects plummeted after the onset of the Depression of 1893, Democratic leaders saw that only the exploitation of ethnocultural passions could retain the loyalties of many disgruntled workers who might switch to the Populist or Republican parties. Consequently, they resurrected the Bennett Law issue and overexaggerated the menace of the American Protective Association, tying it to the Republican party.[53] As a result, many Irish and Polish Catholic voters sympathetic to Populism may have been deterred from supporting the Populist ticket.[54]

If Populist voters were not motivated by a desire to defend religious value systems, what did induce them to support Populism? Among urban voters, it seems clear that those voting Populist did so along class lines, perceiving the People's party as being more in their interests than the major parties. For the rural voters supporting Populism in 1892 and

[53] On the APA issue in Wisconsin, see Wyman, "Voting Behavior," pp. 128–153; Kleppner, *Cross of Culture*, pp. 251–256; Jensen, *Winning of the Midwest*, p. 222.

[54] The defeated Populist candidate for mayor of Milwaukee in 1894 denounced "church control" over the vote of the working man as a serious barrier to reform. Rice, "Populist Party," p. 126.

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1894, there is no clear-cut answer. No quantifiable major economic variable—farm income, land value, type of farming—is associated clearly with Populist support, and the ethnocultural connection with Scandinavians is tenuous at best.[55] The isolated nature of the party's support—sizable Populist votes in some towns while neighboring areas with similar cultural and economic situations remained loyal to the major parties—indicates that there was little if any group support for Populism in rural Wisconsin. It would also seem to suggest that leadership at the local level may have played a crucial role. Local Farmers' Alliances, for example, may have been important in mobilizing discontent and channeling it into the People's party. In voters' decisions to support the radicalism offered by the People's party, ideology and a commitment to pursue clearly defined *political* goals overshadowed any vague perception of the party as an agent of pietistic moral reform.

Wisconsin Populism in Historical Perspective

In terms of electoral support, there were two phases to Wisconsin Populism. In 1892, the party proved attractive primarily to rural voters affected by agrarian distress, some of whom had demonstrated a commitment to political radicalism in 1890. The second phase resulted primarily from urban distress after 1893; to the core of rural Populist votes was added an even greater number of urban working-class voters in 1894, many of whom had also registered their previous commitment to radicalism by supporting the People's party of 1886 and the Union Labor party.

In terms of the history of political radicalism in Wisconsin, Populism provided a bridge between the narrow trade union radicalism of the mid-1880s and the broader-based moderate socialism espoused by the Social-Democratic party in the early twentieth century. Indeed, there is a striking continuity of the electoral bases of support for radical political parties in Wisconsin from the People's party of 1886 through the Social-Democrats. Although the great majority of Populist voters came from and then returned to the major parties, many others had supported earlier third-party efforts, and many retained their commitment to radical political action by supporting the Social-Democratic or Socialist Labor parties after the Populists' demise.

[55] Problems inherent in the data available precluded any meaningful statistical analysis of the Populist vote. Correlation analysis at the county level is unreliable because of the narrow range and smallness of Populist percentages, and significant ward boundary changes in most Wisconsin cities during the 1890s also make ward-level analysis of limited usefulness.

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The finding that Populism in Wisconsin was more urban than rural in character raises two important questions regarding future research. First, are the results contained herein unique to Wisconsin or typical of Populism throughout the Old Northwest? Although conclusions regarding Wisconsin cannot automatically be applied to other states, there is evidence that the situation was similar in Illinois, at least in 1894.[56] In any case, the findings for Wisconsin indicate that Populism east of the Mississippi may have been considerably different than Populism elsewhere and that consequently, more research into eastern Populism is necessary before a viable synthesis regarding the movement is possible.

Second, the findings seem to challenge the contention that Wisconsin had an agrarian radical tradition, often cited as an important factor in the rise of progressivism in the state. Not only the urban nature of Populism but also the political weakness of the Granger movement[57] and the fact that the Greenback party also received a substantial measure of urban support indicate that if there truly was a radical tradition in late nineteenth-century Wisconsin, it was an *urban* radical tradition.*

[56] Klotsche, " 'United Front' Populists," p. 380; Chester M. Destler, "Consummation of a Labor-Populist Alliance in Illinois, 1894," *Mississippi Valley Historical Review*, 27 (March 1941), 589–602.

[57] George H. Miller, *Railroads and the Granger Laws* (Madison, 1971).

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Book Reviews

The American Condition *by Richard N. Goodwin. New York, Doubleday & Company, 1974.—407 pp. $10.00.*

Richard Goodwin, a still young veteran of the New Frontier and Great Society, here offers a long, gloomy critique of contemporary American life which focuses upon the stifling tyranny of organization over human impulse, the spreading power of giant corporate bureaucracies, the growing alienation of men and women from themselves and their work, and, above all, the fragmentation of the shared allegiances and opinions which in the past have defined successful human communities and allowed people of modest gifts to enjoy the respect of their fellows. Although the author's quotations (irritatingly unidentified by source or date) cite everybody from Galileo to Galbraith, Donne to Dostoevski, and Madison to Lyndon Johnson, the continuing preoccupation of the volume is the Marxist analysis of work, alienation, property, and power.

One ought to respect the seriousness of intention of a worldly man like Goodwin who spends two years in northern Maine brooding over the future of the race. Nevertheless, candor compels the judgment that he might have better spent his time. Goodwin, an exceedingly gifted journalist and speech writer, has perpetrated a badly written volume embarrassingly stuffed with inflated rhetoric and windy generalizations. The following are only four examples. "He may even invoke man's boundless curiosity and lust for knowledge, an exercise in the purest kind of mysticism since it contradicts all observable data" (p. 65). However, no data are cited. Or, "Within society economics is always dominant, but in society as process, as a dynamic system, causes and results can be different faces of the same thing" (p. 159). What if anything has the oracle said? Or, "In this way a single mind can become a bureaucracy" (p. 215). How? And finally, "In other words, poverty as oppressions could be explained as the rational pursuit of self-interest by the forces of production" (p. 191). People display self-interest, forces do not.

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In economics at least Goodwin's use of his sources is, to speak kindly, not slavishly accurate. Consider this passage: "In the 1880s, Michelson and Morley performed the experiment which helped to overturn classical physics, Germans invented the automobile and Karl Marx died. In the first year of that same decade, Francis Edgerton, a British professor, published *Mathematical Physics*, a work which reduced economic behavior to equations, and used the differential calculus to prove that existing privileges of wealth and birth were just, sound and useful" (p. 352). Alas, the name was *Edgeworth*, the occupation was barrister-at-law, the title of the book was *Mathematical Psychics*, and Edgeworth, a Benthamite, used the felicific calculus to prove that redistribution of wealth in the direction of equality was likely to promote the greatest happiness of the greatest number. Goodwin had the date of publication right.

Error might be forgiven if originality were present. Unhappily nothing here is new. A third of a century ago Columbia sophomores were invited to read Ferdinand Tönnies' famous "Gemeinschaft and Gessellschaft," originally published in 1887, which in a mere twenty-five pages sang Goodwin's song and wept Goodwin's tears over the destruction by the market economy of the simpler manners and happier communities of the past.

Perhaps if Goodwin had read Tönnies and, for good measure, Weber on bureaucracy (neither name is listed in the index), he would have written less, differently, or not at all.

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Beyond the New Deal: Harry S. Truman and American Liberalism *by Alonzo L. Hamby. New York, Columbia University Press, 1973.—xx 635 pp. $12.95.*

This book offers a minute, clinical examination of the fever chart of liberal sentiment in this country as it was alternately buffeted and soothed during the presidency of Harry S. Truman. It is an exhaustive—and at times exhausting—feat of scholarship that concerns itself less with the substance of Truman's programs and actions than with the response to them of leading elements of the liberal community. That these disparate elements could rarely come even close to achieving consensus is not surprising, but retrospectively the author, Professor Alonzo L. Hamby, gives Truman generally good grades for preserving and advancing the liberal dynamic of the New Deal against very heavy odds.

When Truman entered the presidency in 1945, he was relatively unknown, and had no conspicuous liberal credentials beyond a faithful Democratic voting record in the Senate. The intellectuals on the Left almost unanimously wrote him off as a liability to their cause.

Truman's two terms in office were marked by bitter ideological strife. On the

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right he was balked by a strong congressional coalition of Republicans and southern Democrats determined to turn the clock back to the days of Hoover and McKinley. On the left he was beset by liberals who demanded instant reaffirmation of the New Deal and partnership in varying degrees with Communist Russia. The public constituencies on both sides were loud and vituperative. Truman was in the middle, and though he got frequent support from the Center in his policy toward China, toward restrictive control of the atomic bomb, toward his Greek-Turkish Aid program, toward his vetoes of antilabor legislation, etc., it was not support he could count on continuously.

During most of those years the overriding political—and social—issue was communism; it was, indeed, an obsession that dangerously tilted the nation's sanity. The Left demanded fulfillment of Roosevelt's aim of accommodation to the USSR and a tolerant attitude toward domestic communism. The Right furiously opposed any concession to the Soviets and sought by every means to expunge the "Red Menace" from America. Truman, and most of the Center, shared this view in moderation, and thus the battlements of the cold war were erected.

In 1948, the brutal Soviet takeover of Czechoslovakia destroyed the faith of the Left in fellowship with communism. Meanwhile, Truman's astonishing election victory over Republican Thomas E. Dewey brought a sudden eruption of liberal respect for him. Now they began to recognize him as a pragmatist in the old Populist tradition who, for all his lack of doctrinaire finesse, was essentially a kindred spirit. His domestic program emphasizing civil rights and an expanded concept of social welfare won their plaudits, as did such major foreign policy moves as the Marshall Plan and Point Four. There was much for which they could not forgive him—his loyalty program, his inability to overcome the conservative opposition in Congress, a spreading pall of corruption among his subordinates. But he provided a rallying point of sorts for the fractured elements of the liberal community.

The author has examined the myriad mutations of the Truman presidency principally in terms of the response they elicited from such leading liberal sources as the *New Leader, New Republic, Nation, Progressive, The Reporter,* Chicago *Sun* and *Sun-Times,* New York *Post,* St. Louis *Post-Dispatch, etc.,* and such organizations as Americans for Democratic Action, American Liberal Party, Congress of Industrial Organizations Political Action Committee, National Farmers Union, Progressive Citizens of America and others. There is also extensive documentation from such sources as the Truman and Roosevelt libraries, the oral history collection at Columbia, and the Library of Congress.

The sum of all this weighty evidence, in Hamby's view, is that Harry Truman was a far better pilot for the liberal pilgrimage than he was given credit for by most of the pilgrims themselves, and especially by their progeny of the New Left. "Truman's achievements are substantial," he notes in his concluding chapter, adding:

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> Realistic enough to recognize the limits of his personal appeal, he sought to identify himself with the reform issue which appealed to the most important segments of his party; in doing so he defended and advanced the objectives of American progressivism. . . . If he waged the Cold War with a lack of finesse, he usually acted with an intelligence and moderation which in the main expressed liberal objectives—from the Marshall Plan to Point Four program to the defense of the United Nations in the Korean War (p. 513).

This book is for students rather than for popular consumption; its style is turgid and its repetitiousness makes for tedium. Its principal structural weakness, I feel, lies in the fact that Hamby largely ignores the substance and philosophical underpinnings of the issues confronting Truman, but overloads us with the redundancies of public reaction to them. It is heartening, however, to have so sound a work on hand refuting the contemporary notion that, by his blundering and ineptness, Truman "started" the cold war and unleashed the miseries that flowed therefrom.

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Lawyer and Client: Who's in Charge?, *by Douglas E. Rosenthal. New York, Russell Sage Foundation,* 1974.—x, 228 pp. $8.95.

This is a first-rate book on a subject of great importance. For once, indeed, we find an author who is modest rather than inflated in his title. The title should not be just *Lawyer and Client: Who's in Charge?* but *Professional and Client: Who's in Charge?* Although the particular research case investigated here is that of negligence lawyers and their clients, both the research and the general analysis have the most direct relevance for *all* professional-client relationships.

Dr. Rosenthal, now a lawyer in the Anti-Trust Division of the Justice Department, who has studied at Oxford and Columbia and who has a law degree and a doctorate in political science from Yale, effectively questions the moral and the empirical validity of what he calls the "traditional" model of professional-client relationships. This model "holds that client welfare and the public interest are best served by the professional's exercise of predominant control over and responsibility for the problem-solving delegated to him rather passively by the client" (p. 2). He describes and then tests a model which assumes just the opposite, namely that client and public interests are best served "where clients participate actively in dealing with their problems and share control and decision responsibility with the professional" (p. 2). This model he calls the "participatory" model. Rosenthal's test case is in the area of negligence law. He has three kinds of data. First, his data include the experiences and attitudes of a

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sample of sixty Manhattan residents who were plaintiffs in relatively serious personal injury claims for which they received some compensation during 1968. Second, he has data on the attitudes and experiences of negligence lawyers obtained in interviews with twenty lawyer informants and from writings by and about lawyers. And third, he has information gained from mailed questionnaires to forty-eight of the attorneys who represented the sampled clients.

A careful analysis of his data reveals to Rosenthal that the Index of Client Participation is correlated positively with a favorable outcome in this particular area of professional-client relationships. While not all of the active clients did well, none can be said to have done poorly because they were active. The participatory model does not, of course, diminish the importance of the lawyer's role. "The benefits of client activity appear to derive only from greater collaboration with the attorney, not from the client's exclusively performing the attorney's functions" (p. 58).

The cautious person will immediately remark: Perhaps, but how generalizable is this important finding? Rosenthal has anticipated the question and discusses generalizability of three kinds. First, he suggests that the results are very likely to be generalizable from Manhattan to other jurisdictions, since the Manhattan negligence bar is probably more effectively disciplined and competent than lawyers elsewhere. Second, he believes that negligence practice is not so different from the realities of law practice in probating estates, domestic relations, personal taxation, realty conveyancing, landlord-tenant problems, or consumer complaints. Where the situation is often different, as in corporate law, there already is a considerable amount of active participation by powerful clients. And third, he presents several points of analysis and some other people's research data that suggest the generalizability of his finding on the virtue of the participatory model for medical practice and medical research.

Because we live in a world where the esoteric knowledge of the powerful professionals is ever more consequential for the welfare of individual clients and the general public, and because there is everywhere among citizens a stronger demand for greater equality, for more participation in the decisions that vitally affect them, and for better realization of civil rights, a book like Rosenthal's is obviously of the greatest intellectual and moral relevance. He has asked essential questions, worked long and hard to collect relevant data, done his analysis with judiciousness and a sense of the complexity of social issues, and, finally, been willing to speak out for a moral ideal to which he is deeply committed. There are a great many of us who should want to read and ponder this book.

BERNARD BARBER
Barnard College, Columbia University

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More Equality *by Herbert J. Gans. New York, Pantheon Books.—xx, 261 pp. $7.95.*

This is a soft-spoken book. It is humane in its frank espousal of more equality in the United States. It is modest (and specific) in its proposals for changing the distribution of income. It is hopeful that this is already beginning to happen and can accelerate if enough people become persuaded that it is to their benefit.

Gans, a sociologist and urbanist at Columbia, known best for his book *The Urban Villagers*, tries to do here in the serene atmosphere of the printed page what George McGovern failed to do in the heat of a presidential campaign: to make a rational, convincing case for a distribution of income that will help the poor and the middle class, without causing undue alarm to the rich. He disposes quickly of the arguments of those liberal-conservatives who emphasize the improved living standards of blacks, and who lack a sense of urgency: the top 1 percent of the population own 33 percent of the wealth, the tax system reinforces this distribution, government subsidies for housing and education further sustain the inequalities. Gans also points out something which deserves strong attention: the affluent have far better political representation; if the 12 percent of the population below the poverty line were represented in Congress, they would have fifty congressmen and twelve senators from their group. Now they have none.

Inequality is not new, Gans tells us, but now people expect more equality. The upheavals of the 1960s, in which blacks, students, and women protested various inequities (in race, in sex, in the sacrifice of young people in war) have created expectations which demand fulfillment. Indeed, if we do not move faster toward equality, the society may be torn apart by clashes involving haves and have-nots.

The main thrust of his book is the formulation of policy to achieve more equality. He emphasizes that such policy must be "individualistic" rather than "collectivist," associating the latter with nationalization of property and central bureaucracies. He disposes too quickly, in my opinion, of a collectivism combining elements of anarcho-syndicalism and workers' control. And to urge "greater stock ownership" does not suggest (unless I misunderstand Gans) the kind of thoroughgoing dismantling of present corporate power which would be necessary in order to have a truly egalitarian economy.

Gans is understandably anxious that his proposals not be too offensive to too many people, and he is right in the sense that no radical minority can impose a new society on an unwilling majority, that traditional cultural values cannot be changed overnight. But (as an example) to surrender the mass-transit idea too easily, as he does, to individual car ownership, is to perpetuate the privatism, the selfishness, the murderous competitiveness which combine in our culture to defeat all ideas of egalitarianism, including those of Gans. True, there are

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delicate problems of balance, but Gans is too cautious, and while overaggressiveness will face a stone wall of opposition, overcaution will cross its line opposed and find nothing has changed.

His tax plans for income redistribution are clear and persuasive, as he knows (and as McGovern did not seem to know) they must be to get the support of the majority of middle-class Americans. And he concludes his book with provocative research plans and utopian schemes. It is all a graceful, intelligent essay. But I think Gans has too much faith in cogent words and ensuing legislative action. I suspect that if we are really going to redistribute wealth justly, if we are to produce efficiently and use humanely the enormous wealth of this country, it will be done first by direct action, and only then by legislation.

HOWARD ZINN
Boston University

The World of the Urban Working Class *by Marc Fried. Cambridge, Mass., Harvard University Press, 1973.—x, 410 pp. $15.00.*

In 1958 the West End community of Boston was targeted for destruction as part of an urban renewal program. Prompted by the impending elimination of this historic area, an investigation was developed that involved interviews with a representative sample both before the neighborhood was bulldozed and then again after relocation. This book, appearing some fifteen years after the research was begun, presents only the analyses of data gathered during the pre-relocation period. The sample consists of 486 randomly selected women. They were asked questions about substantive issues that are, by and large, familiar topics in social stratification literature: the patterns of interaction both within informal social networks and family units, the values and orientations that people hold about their occupational lives, and the distribution across social classes of various attitudes, ideologies, and personality characteristics. As I shall emphasize later, Fried does more in this volume than merely present his findings on these issues. He also puts together an excellent set of theoretical statements concerning social stratification. But for now I wish to consider only the data and their analyses.

Very early in this book expectations are created that are not fully satisfied. Concretely, the reader is told about an historic community that for over a century was a major landing place for European immigrants and that was facing physical destruction. Yet there is no systematic effort to evaluate the impact that this presumably threatening prospect had on the thoughts and behavior of people. Even a chapter on attitudes of residents toward their housing, while in most respects informative, gives but passing attention to the impending uprooting. A second expectation, similarly unfulfilled, concerns the solidly working-

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class character of the West End. The study fails to take sufficient advantage of this feature of the community, too. Instead much of the analysis involves the comparison of class groups within what is really a quite homogeneous neighborhood. The study, then, does not fully exploit either the dislocation people faced nor the essentially working-class makeup of the community. It leads one to wonder if this study might have done better with a more broadly based sample, one drawn from more socially and economically differentiated places. Despite these questions, the book still succeeds in creating and bringing together a virtual stream of findings which, even if they do not always break new ground, represent thoughtful and worthwhile research endeavors.

As I noted earlier, however, Fried manages to encase even the most descriptive findings in a rich and intriguing conceptual framework. Each chapter begins with a succinct mini-essay which, if assembled, would provide an unusually clear and useful overview of many of the problems cross-cutting the field of social stratification. As an empirical study it complements a large body of existing research and adds some new and interesting findings, especially in the areas of class structure and personality. As a theoretical statement, it succeeds excellently in identifying and clarifying some of the salient issues in social stratification.

LEONARD I. PEARLIN
National Institute of Mental Health

Genetic Fix *by Amitai Etzioni. New York, Macmillan Publishing Co., Inc., 1973.—276 pp. $7.95.*

Amitai Etzioni, professor of sociology at Columbia University and director of The Center for Policy Research, Inc., has produced a bizarre hybrid. On one side its lineage includes the diaries of Anaïs Nin, Frank Harris, Vita Sackville-West, and the other notables who have written about their trips to Paris. Its parentage on the other side is the spate of works which have appeared in recent years on the social, political, and ethical revolutions that are predicted in consequence of the recent discoveries of biomedical scientists.

Under the intriguing, if ambiguous, title *Genetic Fix*, Etzioni has presented his impression of the proceedings of a "Round Table Conference" held by the Council for International Organizations of Medical Sciences in Paris in September 1972 on the topic of "Recent Progress in Biology and Medicine—Its Social and Ethical Implications." Since a version of the proceedings (edited by Simon Btesh) had previously been published, it is difficult to see what contribution the author thought his book would make. *Genetic Fix* is too simplistic and error-filled for the scholar, often too technical and opaque for the layman, and too rambling for either (Etzioni apologizes for his longwindedness rather than

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editing it out). Many of the errors are relatively minor, such as referring to having an extra Y chromosone as carrying the "XYY gene" (pp. 10, 195).

Unfortunately, misstatements of fact on topics like genetics, which Etzioni recognizes is an emotion-laden area, can easily upset and mislead laymen. Examples abound in this book. He is wrong in saying that the sickle cell trait, which "is harmless by itself," occurs in "one out of every five hundred" black children (p. 195); the actual figure is closer to one in ten. Or when he tells the reader that screening is possible for the asymptomatic heterozygous carriers of recessive deleterious genes and that "someone from the floor" of the meeting suggested "that anyone considering marriage ought to submit to an inexpensive easily administered genetic test" (p. 23), Etzioni is under an obligation to note that such tests are now available for only a very few conditions (e.g., Tay-Sachs disease, sickle cell anemia) and that since it is *not possible* to rule out more than a handful of recessive diseases genetists are not yet recommending the routine testing of prospective marriage partners.

Moreover, the book is so full of personal asides and observations that are flattering to the author that it is embarrassing for any readers except perhaps family and close friends.

All of this is a great pity, for the topic under consideration is an important one, much in need of attention both by scholars and by an informed public. What is distressing about the book is not just its autobiographical aspect. It would be almost amusing to participate in Etzioni's breathless embrace of his newfound city of light (not Paris but the biotechnological futurescape to which he sees us heading) if he did not pretend to be writing as a sociological expert. Yet, in addition to his liberal quotation and paraphrasing of the other conference participants (plus substantial excerpts from other writers in the area who were not present at the meeting), he gives the reader little to work with beyond unsubstantiated speculations on the sociological, and even medical, consequences of various developments such as prenatal diagnosis and genetic screening. For example, Etzioni complains that the provision of "ever-greater opportunities and ever more freedom of choice" in the biological area, "by requiring conscious selection of what has heretofore occurred naturally [would] almost surely overwhelm the human capacity, already severely taxed, to make sensible choices" (p. 22). Rather than just speculating, a sociologist could have contributed to the literature by presenting data and careful analysis about the ability of society and individuals to make intelligent choices today.

It is particularly ironic that later in the book, Etzioni quotes from an article by Leon Kass making a similar point which he dismisses as "easy humanism" (p. 80). Dr. Kass had suggested that the perfection of the techniques associated with *in vitro* fertilization, which would permit the creation of human embryos in test tubes for subsequent transfer to a uterus (not necessarily that of the egg donor), would place a great strain on the family, an institution which is par-

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ticularly important in an impersonal and highly technological society. Such concerns, says Etzioni, are "greatly overdramatized" and only show that people like Kass "are not students of society," or they would know that "the institution of the family [is] affected by numerous powerful factors, of which scientific experiments are one vector among many, and probably not a very important one" (p. 78). For some reason (a lapse in his otherwise fertile imagination?), the author supposes that the use of *in vitro* fertilization will be limited to infertile women, who happen to be its present experimental subjects since they are most willing to take the risks involved in its development. But there is no basis for assuming such a limitation, and it is the wider application which may strain those institutions that are based on conventional parenthood. In any case, Kass is doing no more than Etzioni—the *professional* student of society, as he often reminds us in this volume—in speculating that this *additional* strain on human capacities and societal mores may, in Etzioni's word "overwhelm" them.

Despite his comments on the writing of others, Etzioni seems to recognize—and indeed, even to capitalize on—the value of dramatizing biomedical developments to increase public discussion of the issues. One need not agree with his view that "society has an immature mind" (p. 34) so that scientists must control progress as they think best, to conclude that some sort of supervision is necessary. To be consistent with our principles of scientific inquiry and representative government, any such control should not, however, be elitist, but must be highly visible and publicly accountable. Senator Walter Mondale has been proposing a Commission on Health Science and Society for the past six years, and its functions have been incorporated into the national panel to be established under the recently enacted Protection of Human Subjects Act. *Genetic Fix* is in many ways a brief (unfortunately, not a very persuasive one) for the creation of such a societal-review mechanism, which the author typically refers to as "my pet Health-Ethics Commission" (p. 72). Perhaps in a future volume Etzioni will give us fewer *ad hoc* judgments about whether it is proper for society to intervene in individual choices (about reproduction and the like) and more information about the social effects of such interventions and about whether data is available or can be developed on "the relative size, strength, and merits of the various camps" (p. 49) that favor and oppose particular scientific developments.

ALEXANDER M. CAPRON
University of Pennsylvania

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Justices and Presidents: A Political History of Appointments to the Supreme Court *by Henry J. Abraham. New York, Oxford University Press, 1974.—ix, 310 pp., $10.00.*

The expectations of presidents and the performance of their nominees for the Supreme Court is especially pertinent now that Warren Earl Burger has replaced the late Earl Warren as chief justice of the United States. A work of mature scholarship—*Justices and Presidents: A Political History of Appointments to the Supreme Court*—undertakes to evaluate those expectations and their fulfillments (or rejections) throughout American history from 1789 to the administration of Richard M. Nixon. For the author, this book was a labor of love, representing over twenty years of judicious data gathering refined and leavened in the crucible of classrooms and seminars. His deep interest in the subject and his elegant and clear literary skill combined to produce an excellent study.

Professor Abraham provides three introductory chapters, the first a discussion of the contemporary issues relating to judicial selection in the context of the Nixon nominations and appointments, the second a description of how justices and chief justices are selected, and the third a general interpretation of why the individuals chosen were selected. The succeeding chapters comprise an examination, often in considerable detail, of the basic issues of judicial selection which confronted each president in chronological order. The introductory chapters provide an exceedingly useful series of interpretations of the variety of standards employed both by presidents with track records of successful nomination efforts and by Senate majorities which, on occasion, rejected presidential nominees. Abraham, appropriately enough, devotes greater attention to the twentieth-century rejections of John J. Parker, Clement Haynsworth, and G. Harrold Carswell than to their nineteenth-century counterparts. His treatment of major norms of Supreme Court selection—such as the designation of a Roman Catholic or a Jewish seat, the persistance of partisan selection leavened by ideological screening of nominees from the opposition party, and geographic representation—is thorough and balanced. The divisions of the chronological assessment of presidential nominations by thirty- or forty-year sequences permits a logical treatment of the changing nature of the controversies reflecting fundamental changes in the relative power positions of the executive and legislative branches. This book is parsimonious, thoughtful, and of excellent literary quality, an erudite distillation of the author's years of patient investigations.

JOHN R. SCHMIDHAUSER
University of Southern California

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Fame and the Founding Fathers: Essays by Douglass Adair *edited by Trevor Colbourn. New York, W. W. Norton & Co., for the Institute of Early American History and Culture, 1974.—xxxv, 315 pp. $14.95.*

Probably no early American historian of his generation had a greater impact upon his field than Douglass Adair. Under his editorship from 1946 to 1955 the *William and Mary Quarterly* achieved its current stature as the liveliest and perhaps the most distinguished historical journal published in the United States, and that magazine has clearly been one of the primary stimuli of the renaissance in early American studies over the past quarter century. But the *Quarterly* was only the most obvious of Adair's achievements. He was a born pedagogue. For him, editing and conversation were vehicles for teaching. Full of ideas and gifted with an intellectual acuity that often enabled him to see more in the work of scholars than they had seen themselves, he gave generously of his understanding and thereby became the intellectual patron of a significant segment of the early American historical community. Through a substantial, if scattered, corpus of published work, moreover, he influenced a still larger group.

The present work is the full-size book that Adair never managed to put together during an active intellectual life that spanned over thirty years and ended in suicide in 1968. In addition to affectionate assessments by the editor and Caroline Robbins, and a perceptive analysis of Adair's place in the historiography of republicanism by Robert E. Shalhope, it contains seventeen pieces by Adair: eleven articles (including two previously unpublished ones), three review essays, two short notes, and one edited document. The collection of these pieces into a single volume makes it easier than ever before to appreciate the full extent, range, and significance of Adair's published works. They show him to have been the master of three separate genres of historical writing: (1) historical criticism, exemplified by "The Tenth Federalist Revisited," a highly original (for the time) dissection of Charles Beard's notions about the economic origins of the Constitution; (2) historical detective work, illustrated by "The Authorship of the Disputed Federalist Papers," "The Mystery of the Horn Papers" (with Arthur Pierce Middleton), and the previously unpublished "The Jefferson Scandals," a more plausible analysis of Jefferson's supposed liaison with the mulatto Sally Hemings than several more extended recent treatments; and (3) substantive articles exploring the relationship between ideas and behavior in specific political contexts.

Adair's most important contributions fall into the third genre. Three essays in particular—"Fame and the Founding Fathers," " 'That Politics May Be Reduced to a Science': David Hume, James Madison, and the Tenth Federalist," and " 'Experience Must Be Our Only Guide': History, Democratic Theory, and the United States Constitution"—are of continuing importance and will be required reading for students of the Revolution for the foreseeable future. More important, perhaps, they securely establish Adair's role as one of the first to

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delineate the nature of the crucial connection between ideas and action in the creation of the American republic. For what these essays did was to map out strategic segments of the perceptual framework within which the Founding Fathers operated and, even more important, to demonstrate how those segments helped to shape understanding of contemporary developments and thereby, in significant ways, to determine behavior and events. Perhaps the most important intellectual breakthrough in our understanding of the era of the Revolution, this procedural insight was a necessary precondition for the more recent and substantial explorations of the role of ideas in early American history by Caroline Robbins, Bernard Bailyn, Gordon S. Wood, Gerald Stourzh, and others. For making that achivement so clearly discernible as well as for the continuing vitality of the work it contains, this volume is an especially welcome addition to American historical literature.

JACK P. GREENE
The Johns Hopkins University

Justice and Reform: The Formative Years of the OEO Legal Services Program *by Earl Johnson, Jr. New York, Russell Sage Foundation, 1974.—xiii, 436 pp. $13.50.*

This book is a detailed, solid account of the creation of the Legal Services Program written by a former director of the program. It is primarily a study in policy development and management, and, like all such studies written by participants, takes a particular point of view. It is to Johnson's credit that he is able to present a thorough account of the controversies and events, while simultaneously preaching his gospel.

The book begins with a somewhat sketchy history of the legal aid movement (relying, incidentally, on detailed prior studies commissioned by Russell Sage), and deals too briefly with the controversies involved in the creation of demonstration legal services programs which preceded the national program. But the chapters on the development of the national office are comprehensive, and rely on the primary documents and correspondence furnished to Johnson by leaders of the American Bar Association and the National Legal Aid and Defender Association. These chapters are highly instructive for students of interest-group politics and public administration. A chapter on program promotion at the local level illustrates the resistance to change in the 1960s demonstrated by professional societies and local community elites. Anyone familiar with the work by Morton Grodzins (and his colleagues) on the process of community mobilization and grant making, in which localities compete to *obtain* grants, will be interested in this case study of a program that had difficulty in persuading communities to accept grants (at least under the terms desired by the national administrators).

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The best section of the book is Part III, which deals with the management of the program. It is here that Johnson tells his story from a particular perspective, attempting to convince the reader that only law reform and appellate advocacy were viable policies, and that other approaches (Judicare, economic development, and community organization) were not. Although Johnson mentions a number of objections to the law reform approach, it does not seem to me that he gives them sufficient weight. In particular, he glosses over the fact that only a tiny fraction of the caseload was being served by legal services attorneys (an argument for some form of Judicare); that a majority of local programs failed to adhere to law reform and appellate advocacy strategies, concentrating their efforts on servicing of individual cases; that law reform did not prevent the federal judiciary and state legislatures from crippling attempts at meaningful welfare reform; that innovative programs were whittled down by the threat or actual use of governors' vetoes. Although Johnson could not have foreseen it, the fact that the newly enacted Legal Services Corporation bill stripped the program of its "backup centers" which would have taken on the burden of law reform effects, is an indication that the concept lacked political viability.

The most interesting section of the book is the final attempt to use cost-benefit analysis to justify the law reform activities of the program. It should be useful as a case study for students learning about this type of policy analysis; it reminded me of the approach taken by Alice Rivlin in *Systematic Thinking for Social Action*.

One final note: the book seems to have been published out of season. It came out too late to have a real impact on the struggle for the legal services corporation (and its viewpoint consequently is not represented in the structure of the new venture); yet it appeared too soon for a preliminary assessment of the functioning of legal services in the new regime. The omission of any analysis of the corporation structure flaws what will undoubtedly be considered the standard work on legal services for years to come.

RICHARD M. PIOUS
Barnard College, Columbia University

Through Different Eyes: Black and White Perspectives on American Race Relations *edited by Peter I. Rose, Stanley Rothman, and William J. Wilson. New York, Oxford University Press, 1973.—xviii, 453 pp. $12.50.*

The large cities of America are now primarily inhabited by the contesting factions of blacks and white ethnics. These people left to themselves in the inner cities by the outmigrating Anglo-Saxons are faced with many of the same problems. Professor Matthew Holden, author of *The Politics of the Black Nation* argues that blacks should attempt "detente"; on the other hand, Michael Novak

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in *The Rise of the Unmeltable Ethnics: The New Political Forces of the Seventies* argues that blacks and white ethnics should organize themselves around cultural interests. While Professor Novak makes a good argument, I personally doubt that blacks, Jews, and white ethnics can organize around cultural interests. Professor Holden's idea of "detente" is much more appealing.

Is "detente" possible under present conditions? *Through Different Eyes* does not answer this question but, instead, provides a very penetrating analysis of how different racial groups in America actually view each other, and alludes to what the consequences might be if these views cannot somehow be reconciled. The essays are categorized so that the reader is exposed to a spectrum of views about each group presented by both black and white authors.

The introduction by Professor Rose leaves something to be desired. His attempt to cover the period from the Age of Jackson to Richard Milhous Nixon is an admittedly difficult task but is made even more so by some of his general statements. For instance, he states, "By 1970 it had become a time to be black (if you were ever a Negro) and a time to be white if you weren't" (p. xiv). What does he mean by this statement? Rose goes on to say that Moynihan might have been lauded if things had been different. Why is this likely? Professor Rose compares Moynihan to Kenneth Clark and I think this does Kenneth Clark an injustice. The strength of Rose's introduction is that it provides a panoramic view of American race relations which most Americans painfully remember and which most would like to forget.

For those readers who would like to know what the essays are about I would suggest that they read the conclusion of the book by Rothman and Wilson as both prologue and epilogue. It provides a much richer experience than Rose's introduction.

The styles of the authors in this volume are different but each brings his or her own special vision. Joyce Ladner's essay "The Urban Poor" begins with excellent background material for a creative counterthesis to that of black self-hatred as suggested by most white scholars. Unfortunately, her thesis—that black problems relate directly to social or structural pressure—is weakened by a somewhat confused presentation of data.

Johnnetta B. Cole's essay "The Black Bourgeoisie" is excellent. Cole's main argument is that black middle-class leaders act as "power brokers" between whites and black masses, but that these leaders do not articulate the needs of the masses. Thus, Cole argues that more leadership needs to come from street-level leaders. The real problem, it seems to me, is not who should lead but rather what is the most effective strategy to articulate the needs of the masses, given the black leaders' small numbers and meager resources. Cole is right, however, in asserting that Black Power is no longer the possession of a few black "bougies."

Norbert Wiley in "The Silent Majority" suggests that the rich, powerful and famous whites are the people most to blame for American racism and that per-

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haps when the poor whites see the other "out-groups" organize, they may eventually do the same.

The Greeley and Friedman essays describe the views of the Irish and Jews respectively. While Greeley's description of Irish politics and politicians is excellent, his sympathy for Mayor Daley's plight in Chicago seems beyond the call of duty. Friedman's essay, on the other hand, provides a good historical perspective of Jewish involvement with blacks. He discusses the rupture of this alliance in the 1970s and notes that while middle-class Jews continue to support black causes, the same is not true for poor and lower middle-class Jews (e.g., see pp. 157–158).

The other essays in the volume on policemen, schools, welfare workers, prisons, black and white politicians, and white southerners are of uneven quality, but even looking through blurred eyes they add collectively to the volume. The conclusion by Rothman and Wilson provides an excellent summary and critical analysis of the essays in this volume. Taken together they present the liberal and conservative views prevalent in America today.

Through Different Eyes evokes a response from the reader and should be appealing to both sociology and political science students. It is a powerful and illuminating view of race relations during the 1960s and 1970s. Now all that is needed is to find a human negotiator with the skills and status of a "Henry Kissinger" to help reconcile these divergent views.

MICHAEL PRESTON
University of Illinois at Urbana-Champaign

Police Practices *edited by John C. Weistart. Dobbs Ferry, N. Y., Oceana Publications, 1974.—144 pp. $7.50.*

Police Politics: A Comparative Study of Three Cities *by Leonard Ruchelman. Cambridge, Mass., Ballinger Publishing Company, 1974.—xi, 118 pp. $12.50.*

Motivated partly by the central role police play in urban affairs and partly by the presence of substantial federal research funds, academics have made up for lost time and produced a growing police literature of very uneven quality in the last decade. There have been a few classics like Jerome Skolnick's *Justice Without Trial* and James Q. Wilson's *Varieties of Police Behavior* and more recently, Jonathan Rubinstein's *City Police*, but like the land of the blind, literature on the police has had more than its share of proverbial one-eyed kings. Thus we endure generalizations about police attitudes based on surveys of twenty-five police students in a southern junior college and pontifications by police officers who have put their masters' theses between hard covers. Between the few classics and too numerous hack pieces is a large middling literature which makes a

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modest contribution but nothing more. *Police Practices* and *Police Politics* fall into this last category.

Like most collections, *Police Practices* includes articles of varying value, but on balance the book does not transcend the middling classification. It gets off to a lumbering start with its unimaginative and unhelpful title, proceeds through a "Foreword" which only vaguely introduces what follows, and almost collapses in the first article, "A Profile of Urban Police" by Harlan Hahn, which merely provides a dated review of existing work on the police with no new data or insights. There is much to quarrel with in the Hahn article, but space limits us to one example. Hahn asserts that "the police always have displayed a strong antipathy toward political intervention or pressures that might affect their law enforcement activities" (p. 16). Either Professor Hahn has an unusual definition for "always" or he forgets that regularly in the nineteenth century and more than occasionally in the twentieth, some police were quite content with political allies and the graft they controlled.

The Hahn article is not the only one that does not take account of recent studies. Even if they were up to date when originally published in 1971 in Duke University School of Law's respected journal, *Law and Contemporary Problems*, some of the articles have suffered in the wait for republication in 1974. Thus the article by Raymond Parnas, "Police Discretion and Diversion of Incidents of Intra-Family Violence," says the final report of the pioneering Bard project on family crisis intervention will not be available until 1972 and of course omits many of the replications and modifications of the New York Family Crisis Unit since then. Similarly, James R. Hudson's article "Police Review Boards and Police Accountability" catalogs the pros and cons and histories of review boards but does not examine what has happened in cities like New York after the termination of civilian boards.

Less dated and more original are articles by Neal A. Milner ("Supreme Court Effectiveness and the Police Organization"), Gerald M. Caplan ("The Case for Rulemaking by Law Enforcement Agencies"), and Robert C. Lind and John P. Lipsky ("The Measurement of Police Output: Conceptual Issues and Alternative Approaches"). Milner's thoughtful piece argues that the Supreme Court's use of devices like the exclusionary rule is relatively ineffective since in making arrests, police inevitably have many goals other than successful prosecution. In a related essay, Caplan points out the advantages of police departments' developing guidelines for officers in order to avoid the more haphazard and less effective case-by-case rulemaking of the courts.

Leonard Ruchelman's book, *Police Politics*, examines the interaction of police unions, police officials, mayors, and other groups in New York, Philadelphia, and Chicago from 1966 to 1969. Focusing on the issues of police accountability, tactics, and community relations, Ruchelman attempts to discern trends in the successes and failures of various participants in the police environment. Clearly Professor Ruchelman is ambitious for he tries to do all this in only 107

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pages, but such optimism should have been expected from anyone who is willing to commit the organization charts of police departments to paper rather than to a blackboard equipped with a large eraser.

After reviewing a series of case studies under each issue, Ruchelman concludes that "we can now pose three models of police politics" (p. 99): "Mayor-Police War" (New York), "Police Cooptation of the Mayor" (Philadelphia), and "The Mayor Ascendant" (Chicago). Curiously, we end up with three "models" having looked at three cities, and it is tempting to speculate whether we would have had five models if we had looked at five cities or ten models from ten cities. Ruchelman does not really say, and the problem seems to be that in 107 pages there is a lot that he cannot say.

For example, each issue area comes equipped with a table that records the "successes" and "defeats" of different participants in the system. The problem is that the tables obscure more than they reveal; we do not know in most cases what incidents are included because a table may list (without identifying them) twenty-eight "successes" in New York City on accountability, but the text only discusses a couple of these. It is therefore impossible to quarrel with the success rate of any actor because we do not know at what he was successful. However, the tables do allow the author to conclude in his text, "Table 5–1 shows that Mr. Leary did indeed assume leadership in this highly sensitive area . . ." (p. 70). To be more precise, the tables *say* that, but they do not *show* it.

Another problem with making generalizations about power relationships based on the available data is that the author confined himself to "decision-making as an aspect of open conflicts" (p. 5). Obtaining information on the less public conflicts in the police subsystem is difficult, but primary reliance on the newspapers can lead to distortions because it is not uncommon for a police union leader to denounce the police commissioner publicly in the morning and then have a very amiable private lunch with him. Sometimes there is less genuine conflict than appears on the front page, and of course sometimes there is more. On the grounds that it is better to have studies based on the available information rather than no studies at all, *Police Politics* is useful as a quick survey of three cities, but the model building that resulted might have been hedged with somewhat greater modesty.

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Neighborhood Democracy *by Douglas Yates. Lexington, Mass., D. C. Heath & Company, 1973.—xvii, 202 pp. $13.50.*

Neighborhood Democracy is among the best of the empirical studies beginning to filter down through the dust of rhetoric and mythology stirred up by the

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"community revolution" of the late sixties and early seventies. The book is a comparative study of seven decentralization experiments in New York and New Haven, including block associations, neighborhood corporations, local school boards, task forces, and community development boards. In studying these experiments, Yates tests different theoretical claims made by the advocates of neighborhood democracy: Does decentralization create an indigenous political leadership, increase the citizen's sense of efficacy, increase representativeness and accountability in government, and ultimately make government more responsive? These questions are placed in a broader perspective which includes a theoretical analysis of the concept of decentralization and its implications for political development and democratic theory.

Invigorated by Yates's gift for naturalistic observation, *Neighborhood Democracy* shows the great diversity of the experiments which usually are referred to when one talks about decentralization, and this is one of the book's most positive aspects. By demonstrating that the various experiments have different goals, structures and impacts, Yates's work should provide a more realistic base for the debate on decentralization in cities.

The major problem of *Neighborhood Democracy* is not data but theory: the lack of an analysis of the social and political conflicts which led to the decentralization experiments in the beginning. The movement's roots are mentioned only briefly and in-depth analysis is reserved for the administrative or organizational aspects of decentralization. In other words, along with most scholars in local politics, Yates makes decentralization his key concept, the result being a focus on redistribution of power among geographic levels of government. Thus the more important question of redistribution of power among social classes is neglected.

A good example of this administrative approach is in the way Yates deals with the question of leaders. He gives fairly detailed descriptions of leaders' backgrounds, their styles and functions, and the different attitudes they bring to bear on neighborhood problems. Almost all leaders seemed to have been active and charismatic in their communities for a long period of time. In light of the fact that the hypothesis which led him to investigate this area was that decentralization would *create* indigenous leaders, it is a bit disconcerting that Yates fails to confront his data. Clearly leaders were already on the scene before decentralization, a point made repeatedly by Alinsky in advising community organizers, and it is unfortunate that Yates continues to talk as if decentralization created leaders instead of the more obvious conclusion that decentralization simply opens up channels for already existing leaders to exert their effort.

The reasons for this failure may be his perspective on the formal, governmental relations within the political structure to the neglect of conflicts and social relations which define the total political picture. The inequality of resources among social groups, combined with entrenched informal structures for

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participation, allows for community representatives to be disregarded and the community-generated issues they articulate to be dismissed as illegitimate. The repression of neighborhood interests for the sake of other, either special or citywide, interests has been eliminated from the analysis. Such a perspective is basically a bureaucrat's view of the neighborhood.

Testing his other hypotheses, Yates finds that the best results are achieved by small organizations dealing with specific services (e.g., block associations, community task forces, or neighborhood corporations which provide direct health services). He does not see too much future in community organizations dealing with major problems of city life through protest politics rather than remedial action. From there he concludes by proposing a strategy of neighborhood development which would begin with the creation of small-scale, service-oriented, diversified institutions in the hope that when necessary they will progressively expand their field of action.

This conclusion, however, is questionable for two reasons. First no evidence can be drawn from Yates's findings that narrow system-maintenance organizations can *ever* broaden their scope and reach a more political, social-change orientation, particularly if they are dependent on government funding. Conversely, Yates did not examine groups which are active outside the government structure (such as some of the Alinsky-style groups in Chicago's West-Side Coalition). Groups such as these have been successful in providing broad welfare functions like rehabilitating houses and providing jobs through community-owned businesses, while still fighting larger social issues between their constituents and the banking, real estate, and insurance interests. Their experiments show that other more aggressive strategies can still have limited success outside a bureaucratic structure and therefore it is premature to conclude that the only hope for reform lies in limited-purpose organizations working within existing bureaucracies.

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Representative Bureaucracy *by Samuel Krislov. Englewood Cliffs, N. J., Prentice-Hall, Inc., 1974.—ix, 149 pp. $3.95.*

All of those who have been hoping for an American equivalent of J. Donald Kingsley's *Representative Bureaucracy,* should continue searching for such a book. Professor Krislov using this provocative title did not write such a book. In fact, it is difficult to determine why the author wrote on this particular subject. The reviewer is convinced that the book is not an historical study of the

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development of the American civil service and its relationship to policies of political parties. What it seems to be is an attempt to discredit Kingsley's book on the one hand, and posit a kind of meritocratic thesis on the other. Krislov accuses Kingsley of distorting the term "representativeness" and associating with (or studying with) neo-Marxists; ergo Kingsley lost his way trying to make a class analysis of the development of the British civil service. Despite characterizing Kingsley as being somnambulistic and obfuscating, Krislov sees his redemption in introducing the element of sex discrimination into the concept of representativeness in bureaucracies. His attack on Kingsley is so strident that it undermines the thrust of the criticism. It is possible that Krislov has stimulated new readers of Kingsley.

Krislov's book, however, is the subject of this review. Essentially, the author is attempting to make bureaucracies safe for the middle class. He argues (briefly and unconvincingly) that students of bureaucracies should not use the social origins of officeholders to determine their willingness to respond to social and political change in a given society. The author believes that only the current social-class status of incumbents can be used for this purpose. Krislov believes that bureaucracies are middle class by nature and skills. Given this view, one cannot expect proportional class representativeness. The lower classes, racial minorities, ethnics, women, and youth do not have the skills nor the inclination to become bureaucrats. The author believes that researching the social origins of job occupants can yield information about social mobility but tells little "about the operational characteristic of society" (p. 16). Krislov would have us believe that blacks are underrepresented in the civil service because skills required of these jobs do not attract them. (Actually, the availability of training and the openness of recruitment to various groups seems to be factors determining their representation in bureaucracies.) Undoubtedly, the most astonishing statement in the book is Krislov's assertion that "a man's origins, his birthmarks, have little to do with his adult abilities. They tell us very little about how he will approach his task, and are inadequate even as evidence of how others will regard his actions as ones they would also take" (p. 16). Would the author have us believe that being a member of a minority group or a female does not influence the way one does one's job, or how one is regarded by one's colleagues?

Although Krislov believes that the American bureaucracy is as representative as is possible, he offers an explanation for seeming disparities in that representation. He believes that there are natural and political reasons for the underrepresentation of some groups: Youth do not have adequate training and women have babies; thus both groups are underrepresented in the job market (p. 53). Political considerations would include not using a Jewish diplomat to settle a Middle East crisis. (This book was apparently written before Dr. Kissinger's success in the Middle East.) The author also observes that some families are more public service oriented. He uses the famous Adams and Kennedy famil-

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ies as examples (however neither family distinguished themselves as bureaucrats).

Finally, the book is full of clichés, generalizations, and borrowed tables. The book raises some important questions but provides few answers. Its chief failure is the cursory approach to one of the most serious issues facing our society: job discrimination in public bureaucracies. There is no reason that representative bureaucracy should be an "oxymoron." Unfortunately, the author did little to help refine or define the element of this conception. Krislov acknowledged that "all readers are hereby warned that I expect to continue working along these lines, even without further urging" (p. iii). This reviewer hopes that the author does not continue the work he has done here.

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The Politics of School Decentralization *by George R. La Noue and Bruce L. R. Smith. Lexington, Mass., Lexington Books, D. C. Heath and Company, 1973.—x, 284 pp. Cloth, $10.00; paper, $3.95.*

Based upon case studies of several different forms of school decentralization in five cities, *The Politics of School Decentralization* is a most balanced treatment of what often is a highly emotional and ideological issue. As a consequence, this reviewer presents a summary rather than a criticism of the book.

The principal focuses of the book are the promoters of decentralization, its impact on "the more traditional participants in public school politics," determination of district boundaries, school personnel practices, and the future governance system for large city schools. Particular emphasis is placed upon the divisive influence of the issue and the resulting cleavages.

The five case-study cities—St. Louis, Los Angeles, Washington, Detroit, and New York City—differ considerably in terms of the type of school decentralization employed and the principal political actors. Only two of the cities have school systems under partial community or neighborhood control. Certain political powers over schools in New York City and Detroit were devolved from the city level to the neighborhood level by the state legislature.

The use of Proportional Representation (P.R.) to elect the community school boards in New York City has been controversial, with charges made that the boards are unrepresentative since a white majority often controls the board in a district where nonwhites constitute a majority of the student body. La Noue and Smith advance a telling point. "If one views the election outcomes less ideologically, however, the fact is that the winners were ethnically representative of the city's voters" (p. 199). The 1973 community school-board elections produced a similar result. Thirty-eight percent of those elected were black,

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Chinese, or Puerto Rican. These three groups make up approximately 36 percent of the total population.

The fifteen-page concluding chapter, which merits expansion, ties the authors' research findings in the five cities together by highlighting common trends and differences. They wisely recognize that their empirical data are limited and are cautious in drawing conclusions.

Among the authors' more interesting findings are that "established politicians" and political parties generally failed to provide leadership in the decentralization controversies, federal officials promoted neighborhood control, teachers' unions played an important role, "massive grass roots citizen involvement in poor neighborhoods" (p. 229) failed to develop, and districts were controlled by whites with a different type of background than formerly. Whites who have gained power "are most likely to be Catholic and have strong ethnic identifications" (p. 230).

This book can be read with considerable profit by educators, scholars, and politicians concerned with the governance of school systems in large cities.

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The Intellectual Crisis in American Public Administration *by Vincent Ostrom. University, Ala., University of Alabama Press, 1973.—xiii, 165 pp. Cloth, $6.00; paper, $2.75.*

In this volume in the respected annual series of Alabama lectures in public administration the author elaborates on a theme he propounded in an *APSR* article a dozen years ago: the organization of government in metropolitan areas. Its practical teaching is that, contrary to prevailing doctrines among two generations of students and practitioners, consolidations of local jurisdictions and hierarchical strengthening of executive branches tend to be bad. Bargaining among overlapping jurisdictions—government by negotiation rather than command—is the better route to the efficient provision of public goods and service and the regulation of harmful "externalities." Here, however, he is not spelling out evidence, or practical lessons, but rather is reviewing and examining the doctrinal bases of what he attacks and what he applauds. Reading, I found myself in a continuing mood of exasperation until I reached his last twenty pages, when he turns from theory to application and peroration. Several paragraphs at this point (pp. 124–127) on the dangers of aggrandizement of the Executive Office of the President—written before Watergate—must in hindsight give him wry satisfaction.

The "intellectual crisis" of the title is the inability of students to formulate a

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new and satisfactory theory to supplant discredited doctrines. He likens it to a revolution in a natural science, when a previously accepted fundamental framework has been shown to be untenable and the search is on for the key to the correct one. Since we should know beforehand that the social sciences cannot yield "correct" (unique) solutions in that sense, this tells me that the crisis is more in his mind than in the phenomena.

It serves to launch him into his exposition. His villains are those associated with the rise and propagation of orthodoxy. They start with Woodrow Wilson, who contrasted the "literary theory" and the contemporary actualities of the separation of powers, observed congressional supremacy, and deplored the irresponsibilities he saw in divided authorities. Drawing a line between policy and administration, he asserted that there is "but one rule of good administration for all governments alike." These are the familiar bases, later reinforced from Max Weber, for Ostrom's concept of "bureaucratic administration," his first "paradigm"—a much overworked term in this book—and his main target. Along with the "culmination" of this tradition in the report of the President's Committee on Administrative Management he stresses what he calls an "anomaly" in Luther Gulick's "Notes on the Theory of Organization," prepared, so Ostrom says, for the guidance of the committee's staff (p. 36). He then dwells on Herbert Simon's postwar challenge to the "proverbs" of administration, never satisfactorily answered but also not pursued. For some reason he barely names W. F. Willoughby and makes no mention of the first Hoover Commission—my notion of "culminations."

Next is a chapter on the work of the contemporary Virginia school of political economists, James Buchanan, Gordon Tullock, and others. For the purpose at hand, this work, as presented, seems sterile, for it would require the quantification of intangibles.

The good guys follow, the authors of the *Federalist* papers and Tocqueville, who furnished the doctrinal bases for Ostrom's preferred "paradigm" of "democratic administration" within a framework of positive constitutional law. It parcels out "decision-making capabilities" so that they limit each other. It recognizes the prerogatives of individuals to stay governments as well as of governments to regulate individuals. It looks to trading, contracting, competitive rivalry, and adjudication, as well as the power of command in limited hierarchies embracing multiple overlapping units of governments and jurisdictions, for the satisfaction of public needs (pp. 111–112). It denies the virtues of hierarchy and the economies of scale for a city as big, say, as New York or Los Angeles (p. 121).

Any serious discussion of the subject of this book is welcome. On that premise, taking it as a whole, and apart from the ponderous style, I have two quarrels with the author and one with his publisher.

First, his definition of the field: "Organizational arrangements can be thought of as nothing more or less than decision-making arrangements" (p. 3).

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I gag over that "nothing more or less." There must be a lot of other ways they can be thought of, too.

Second is the two-dimensional treatment of sources—taking words and phrases at face, regardless of the time, place, and circumstances of their utterance—which turns paradigms into caricatures. A part of a single footnote (n. 3, p. 145) is all the acknowledgment the author gives to the partisan excesses, patronage, spoils and corruption that were on Wilson's mind in the 1880s. In speaking of "congressional supremacy," Wilson observed that "it would be easy to reckon by the score acts of Congress which can by no means be squared with that great instrument's [the Constitution's] evident theory." But Ostrom, on the strength of that same phrase, puts Wilson to bed with Hobbes and his *Leviathan*, a seventeenth-century sovereign above the law (pp. 75, 101).

Similarly, *Congressional Government* and the Brownlow Committee report, though a half-century apart, are treated as in the same plane of discourse, although the one is an academic analysis, and the other an exercise in campaign rhetoric. No one acquainted with the careers and outlooks of two such canny operators as Louis Brownlow and Charles Merriam could suppose that they held to the "theory that the field of politics is outside a proper concern for administration" (p. 138).

As for the publisher of this volume, I counted twenty-two lapses in proofreading.

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The New Economics One Decade Older *by James Tobin. Princeton, N. J., Princeton University Press, 1974.—vii, 105 pp. $6.50.*

The reading of this little book creates a nostalgia for the confidence and vigor that characterized the "Kennedy Council of Economic Advisers." The passage of time has so seasoned and relaxed even the most determined of the early Kennedy Council's hard-liners, moreover, that his three Janeway Lectures, delivered in the spring of 1972 at Princeton's Woodrow Wilson School, also provide the perspective needed to place the "New Economics" within the evolutionary development of American political economy.

Indeed the "New Economics" identifies much more an approach, and a habit of mind, rather than a precise set of economic principles. And in that sense, its supporters and practitioners included most members of the Kennedy-Johnson administrations, as well as leading Federal Reserve officials during the early 1960s.

While the limitations of three lectures have prevented the degree of elaboration one might wish to find in some of Professor Tobin's analyses, the same lim-

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itations have also imposed a certain dogmatic brevity on the propositions that he does present in identifying the "major novelties" of the New Economics:

1. "the conviction that business cycles were not inevitable, that government policy could and should keep the economy close to a path of steady real growth at a constant target rate of unemployment" (p. 7).
2. Federal fiscal policy should be liberated "from restrictive guidelines unrelated to the performance of the economy" (p. 10).
3. Monetary policy should be focused "squarely on the same macro-economic objectives that should guide fiscal policy" (p. 11).
4. "Getting the country moving again" necessarily implied that policy should be "growth oriented"—with emphasis both on "growth of potential, a matter of supply and productive capital, and recovery of actual output to potential levels, a matter of aggregate demand" (pp. 13–14).
5. Pursuit of 4 percent unemployment was the operational definition of full employment, in a recognition of "Phillips Curve" tradeoffs between inflation and unemployment (p. 15).

Professor Tobin's recognition of the politically imposed constraints on consistent pursuit of these five propositions emerges at various points throughout the lectures. But his principal concern is with the swerve back toward monetarism that occurred when the priorities of the Vietnam War had smothered the New Economics. After briefly dismissing the "New Left" view that the New Economics "needed the Vietnam War for full employment" (p. 50), he makes one of the most effective and succinct criticisms of Professor Friedman's monetarism that has appeared in recent years. The empirical part of this analysis focuses on the 1964 tax cut and the 1968 tax surcharge.

His third lecture outlines the prospects he sees for macroeconomic policy in the future. Arguing for greater flexibility in fiscal policy, he anticipates and would clearly approve the recent steps toward congressional overview of budgetary appropriations. He repeats the urgings that Presidents Kennedy and Johnson unsuccessfully made for some mechanism to permit "prompt, timely, and temporary changes in taxes" (p. 77). With respect to monetary policy, he deplores the disproportionate burden that monetary restriction places on residential construction, but has no space to outline the reform of institutional arrangements which could "let mortgage borrowers have a fair shot at bidding for available saving" (p. 84).

He also sees the dilemma created for domestic monetary policy by "the ever-increasing international mobility of liquid capital" (pp. 84–85). He recognizes that an agreed coordination of national monetary policies is essential, even though the underlying political base for such coordination does not exist. And he reaches a conclusion that might have surprised the Tobin of 1961 that "international coordination of interest-rate policies will be essential in a regime of floating exchange rates, no less than in a fixed parity regime" (p. 92).

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Every reader will gain much from this volume, but will surely leave it with the wish that Professor Tobin will eventually be able to provide the fuller exposition that his persuasive and perceptive analysis deserves.

ROBERT V. ROOSA
Brown Brothers Harriman & Co.

Ideologies and Attitudes: Modern Political Culture *by William T. Bluhm. Englewood Cliffs, N. J., Prentice-Hall, Inc., 1974.—xiv, 385 pp. Cloth, $9.95; paper, $6.95.*

In this ambitious work Professor Bluhm sets out to relate selected political ideologies to their historical and social antecedents and, more importantly perhaps, to delineate the interplay between political conditions, political ideas, and political behavior. Frontally addressing the age-old debate concerning the relation of ideas and events (more broadly, social conditions), Bluhm sides with those who stress the primacy of events.

The book is in three parts (designations mine). In the first (Chap. 1) Bluhm establishes his theoretical framework. In the second (Chaps. 2–9) he applies the framework to a series of cases or countries. In the third (Chap. 10) he states his conclusions.

Bluhm develops his theoretical framework in three steps. First, he employs "a purely neutral descriptive" conception of ideology that refers to "a system of ideas pure and simple" (p. 3). Second, in order to get at the "subideological" components of man's life, he introduces the concept of political culture (adapted from Gabriel A. Almond and Samuel H. Beer), by which he means a complex of values, beliefs, attitudes, sentiments, and emotions. Third, he "places" the phenomena of ideology and culture in the context of David Easton's systems theory. In so doing, he suggests that "they can best be understood as elements in the 'environment' of the political system," in that they influence—and are in turn influenced by—both the inputs (demand and support) and the outputs of the system (p. 17).

Bluhm applies his framework to two basic types of political culture: Liberal (the United States) and Collectivist (Nazi Germany, Soviet Union, China). He stresses that he sees these political cultures "not as discrete entities but as aspects of a single political reality, the revolution of modernity" (p. xiii). In each case, he relates modernity (by which he means industrialization, rising productivity, and material abundance) to its historical setting and to the political behavior that it generated.

Bluhm's detailed treatment of the evolution of Liberalism in the United States ("Established Liberalism") is preceded by a chapter on the emergence of the liberal tradition in Europe ("Revolutionary Liberalism"); and it includes discus-

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sions of the recent challenges from the Right and the Left, and of the stresses and strains of the postindustrial age. Viewing Nazi Germany as the outcome of "a failed effort at Liberal modernization, the Weimar Republic" (p. 206), Bluhm analyzes the pre-Weimar setting in its historical, political, and social dimensions. His treatments of Russia and China stress the absolutist political tradition, the abrupt character of the transformation, and the agrarian nature of the societies in which small middle classes played insignificant roles.

Bluhm's conclusions focus on the similarities and differences of Liberalism and Collectivism. Similarities include a belief in material abundance, the ethic of hard work (Nazism excepted), nationalism, and the glorification of "people" whether in elections, plebiscites, or the "mass line." As for the differences, whereas Liberalism is reformist, Collectivism is revolutionary; whereas Liberalism stresses harmony, Collectivism emphasizes conflict; whereas Liberalism has only instrumental values, Collectivism looks to an ultimate Truth; whereas Liberalism is open and permissive, Collectivism is closed and absolutist.

Bluhm's theoretical framework is informed and informative, but it is also unnecessarily cumbersome. I remain unconvinced, for example, that the concepts of political culture and political system are in fact necessary for an understanding of political ideology. Can ideology not be defined in a fashion broad enough to incorporate all the elements Bluhm wishes, while remaining free of the encumbrances of political culture and political system? Moreover, there are times when theoretical discussion verges on the commonsensical: "We shall thus treat ideology and political culture as a complex of ideas and attitudes which are closely correlated to the *kinds* of demands and supports and the *kinds* of outputs characteristic of a given political system" (p. 17, italics in original). Finally, the conceptual structure established in Chapter 1 is not systematically applied throughout.

Bluhm's case studies are uneven. The four chapters on the United States are particularly impressive in their synthesis of a mass of theory and data. On the other hand, treatment of Collectivist political cultures is quantitatively and qualitatively abbreviated, China getting particularly short shrift. (Part of the problem, no doubt, is due to the simple unavailability of the kinds of data readily available for the United States.) Bluhm's conclusions are disappointing in that they add little to existing knowledge.

Nonetheless, *Ideologies and Attitudes* commands sufficient merit to be called to the attention of the profession.

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The Communal Experience: Anarchist and Mystical Counter-Cultures in Twentieth-Century America *by Laurence Veysey. New York, Harper & Row, Inc., 1973.—xi, 495 pp. $15.00.*

This book does not live up to the promise of its title. Rather than presenting an overall analysis of radical communal experiences in America, it offers a few case studies of varying quality strung together by rather unsystematic and disjointed comments on countercultural traditions and trends in nineteenth- and twentieth-century America. Instead of building upon the foundations provided by Rosabeth Moss Kanter's path-breaking study of intentional communities (*Commitment and Community*, Cambridge, Mass., Harvard University Press, 1972) this volume falls far below the standards set by her work.

Only two communal ventures, the anarchist Ferrer Colony and Modern School of Shelton, New Jersey, which flourished in the interwar years, and a mystical and highly authoritarian colony in contemporary New Mexico, are discussed at any length. The treatment of a series of contemporary anarchist communities is perfunctory, and the chapter on the Vedanta Movement barely scratches the surface. What all these movements have in common remains unclear.

The study of the Ferrer Colony which was an attempt by largely Jewish garment workers and marginal chicken farmers from New York, reared in the aura of Emma Goldman's anarchist ideas, to escape the stultifying atmosphere of the city to raise children in an antiauthoritarian spirit, adds valuable materials to previous studies without altering the general evaluation previously supplied by Terry Perlin and others. By contrast, the study of the New Mexico commune, based on extended field work and the author's residence of several months, is a valuable and enlightening, though largely descriptive rather than analytical, contribution. This chapter, but little else in the book, contributes to the growing literature on American communal movements.

Many of the author's difficulties, I would surmise, stem from his lack of conceptual clarity. He defines his key term, cultural radicalism, as, "the display of a strongly held attitude or position concerning [a variety of] concrete areas of engagement" (p. 61), among which he mentions "god," "sex," "violence," "bodily and intellectual intake of substances and ideas," and several others. Having spread so exceedingly wide a net which would encompass literally thousands of movements, he then proceeds to study a handful which, moreover, do not seem in any way to be representative. No attempt was made to utilize the various typologies of communal movements that have been developed in recent years. Nor did the author make use of the fine analytical work that is available on the ways in which such communities maintain the commitment of members, build boundaries against the encroachments of the outside world, or bind members through identification with charismatic leaders or powerful sets of countercultural values.

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The lack of intellectual clarity also leads to the author's inability to distinguish between relevant and irrelevant information. We learn that one of the members of the Vedanta community "was a lover of cats" (p. 235) and that the gardener of a Vedanta monastery was "a former Austrian peasant . . . with a short-pointed beard" (p. 236), but we are never given to understand, e.g., why the Vedanta movement attracted an almost exclusively female following while in many anarchist movements males predominate over females. We do not learn why the contemporary communes seem to have a much lower survival rate than their nineteenth-century counterparts, while we are cryptically informed that in the New Mexico commune, "the group was something more than [the leader's] mechanical instrument, a chameleon on which he might blow" (p. 305).

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The New Heavens and New Earth: Political Religion in America *by Cushing Strout. New York, Harper & Row, 1974.—xv, 400 pp. $12.50.*

Cushing Strout's book offers a reinterpretation of the character of religion in America, and of its social and political significances. This is a commendably ambitious undertaking, and there is much in it which is insightful and undoubtedly correct. The level of writing and historical craftsmanship are generally high. The most problematical aspect of the work is Strout's attempt to illustrate his thesis about the nature of religion in America by reference to recent religio-political conflicts—particularly the battles in the arena of constitutional politics over the interpretation of the religion clauses of the First Amendment.

A student of the late Perry Miller at Harvard, Strout begins by noting his agreement with his teacher's famous observation concerning religious liberty in America that "we didn't aspire to freedom, we didn't march steadily toward it, we didn't unfold the inevitable propulsion of our hidden nature: we stumbled into it" (p. ix). Strout takes exception, however, to Miller's further judgment that Tocqueville's "pages on religion in *De la Démocratie en Amerique* are probably the least perceptive he ever wrote" (p. ix).

Strout is persuaded that Tocqueville's perception of a new "republican religion" in America was correct, and that the French visitor was prescient in suggesting that this new sort of religion reinforced the developing political democracy. By employing certain terms from the vocabulary of modern social science, Strout seeks more precisely to identify and understand the elements of Tocqueville's "republican religion" and its relationship to the public order.

Strout maintains that the animating and sustaining force in American religion has not been doctrinal conviction, but rather a social impulse—"to over-

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come our isolation experienced in modern society" (p. 332). Thus, he appeals for support of his position to recent commentators, such as Will Herberg, who have stressed the social function of our major religious groupings (alternative "ways of being American"). Others, such as Gerhard Lenski, who have emphasized doctrinal differences are explained away. "It is possible to conclude from Lenski's data . . . that the conflicting social norms of religious groups actually pertain not to ultimate values but rather to different strategies and 'means of climbing the economic and social ladder' " (p. 332). American religion reinforced political democracy because American religion was *about* social adjustment and psychic comfort rather than hardbitten allegiances to conflicting visions of ultimate truth. American religion has been an *instrumental* activity. This is the key to its character, which Strout carries through his book.

The early chapters dealing with Puritanism, Calvinism, and the American Revolution are excellent. The treatment of the very subtle puritan theory of the relationship of the church to state is particularly good. These are followed by chapters on the struggle for disestablishment in Virginia, the forming of the federal First Amendment, and the nineteenth-century sectarian and revivalistic growths.

The middle chapters discuss the major threats and challenges to the ascendant, rather homogeneous American Protestant order: Catholics, Mormons, the issue of slavery, and finally the Civil War itself. In the antislavery movement Strout sees powerful evidence of the relationship of religion to the reformist, liberating political impulse in America. This theory of mutual reinforcement of a social religion and democratic political reform becomes a bit more difficult to maintain as the Gilded Age sees clerics such as Russell Conwell (*Acres of Diamonds*) employing the pulpit to enflame material ambition. But the social gospel, the prohibition movement, and the women's suffrage movement appear to put the analysis back on track in chapters which follow.

The nativist Protestant impulse, which surfaced periodically throughout the nineteenth and early twentieth centuries is, again, hard to fit into the argument. Nativist Protestantism can certainly be seen as social insecurity working itself out in religious forms, but it is hardly supportive of the liberal democratic political ethos. A similar awkwardness emerges in the chapters dealing with Roman Catholicism itself, and with the Black Muslim manifestation.

At this point Strout launches into his treatment of the Supreme Court's continuing effort to give coherent exposition to the religion clauses, and the thread of argument becomes badly frayed. Strout maintains that "shorn of parochial and obsolete encrustations, republican religion also came to serve the Supreme Court in its lurching efforts to define a pluralism for modern America wider and deeper than anything the Founding Fathers had known" (p. 343). However, it is difficult to see from his treatment of the relevant decisions and opinions that this is so. The major religious groupings have determinedly pulled in different directions against the Court, and the intensity of conflicting demands

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has been high. The acceptance in law of the equality of secular and religious conscience, is not happening easily.

Furthermore, Strout slips occasionally in handling the legal materials. Thus (p. 311) he fails to emphasize in comparing *Sherbert* v. *Verner* to the draft cases (*U.S.* v. *Seeger* and its progeny), that the Court was interpreting in the former case, the First Amendment, and in the latter case, an act of Congress. He is aware of the fact of difference, but not its significance.

Despite its few shortcomings, it should be emphasized that as these things are judged today, this is an important book. That is, it is one for the shelves of all members of that still considerable band of scholars interested in the interrelations of religion and politics in America.

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European Security and the Atlantic System *edited by William T. R. Fox and Warner R. Schilling. New York, Columbia University Press, 1973. —xiv, 276 pp. $10.00.*

American Arms and a Changing Europe: Dilemmas of Deterrence and Disarmament *by Warner R. Schilling, William T. R. Fox, Catherine M. Kelleher, and Donald J. Puchala. New York, Columbia University Press, 1973.—ix, 218 pp. Cloth, $12.00; paper, $3.95.*

These two helpful additions to the literature on European-American security policy grew out of a contract between the Arms Control and Disarmament Agency and Institute of War and Peace Studies to study the "implications of arms control for various existing and proposed European security arrangements" (p. v). William T. R. Fox developed plans for the study while Warner R. Schilling served as project director. They were joined by seven other established security analysts whose informed contributions make these high-priority readings for serious students or practitioners in arms and arms-control policy.

European Security and the Atlantic System is a compilation of background essays dealing with European security, including essays on economic factors (Klaus Knorr), technological trends (Victor Basiuk), Britain (Andrew Pierre), France (Wilfrid Kohl), Germany and Central Europe (Catherine Kelleher and Donald Puchala), and domestic politics and the American deterrent (Annette Baker Fox). The companion volume, *American Arms and a Changing Europe*, represents the collective efforts of Schilling, W. Fox, Kelleher, and Puchala.

Rather than attempt to evaluate each contribution—a task beyond the compass of this review, I will largely restrict myself to developing a framework from which to evaluate both works *as a whole*. Such an approach may prove unfair to one author or another, but it does have the virtue of treating these

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works on their own terms, i.e., as the product of individual efforts in the service of a common task—an analysis of European security trends and their implications for American policy.

The authors by and large share a common set of values which lends a commendable coherence to these works—a feature often absent in such academic enterprises. They believe that the Soviet Union still poses a formidable, if not imminent, threat to Western Europe; that the vital United States security, economic and diplomatic interests are linked to a Western Europe under continuing American leadership; that the prospects for major change in European-American security relations are neither likely nor desirable; and that continued division of Europe into two security spheres promises both political stability and military security for all parties concerned.

There is, however, a troubling circularity in this position. The reader is never quite sure where the analysis of future trends in interstate alignments and national security policies ends and where the advocacy role (and hopes) of the analysts begin. Schilling and Fox are aware of the problem; indeed, the works, especially *American Arms*, seek to delimit the choices open to the United States and to prescribe arms and arms-control policies. There is an elaborate attempt to identify thirty-three (eventually reduced to eight) different possible security arrangements based on the operationally slippery concepts of division (or unity in Europe), and superpower involvement and dominance on the Continent. This attempt at objectivity and comprehensiveness, guided presumably by an antiseptic methodology, still leads home to an affirmation of the values noted above. There is, nevertheless, considerable heuristic utility, if not predictive power, in stretching the reader's mind to look carefully at eight conceivable models of European security arrangements. Such an approach explicitly sets out the boundaries for discussion that these able and talented researchers consider crucial and presents a visible target for evaluation.

This deserved compliment, however, elicits a fundamental criticism, viz., that the boundaries for discussion, including the multiple factors bearing on European security that are listed in the appendix of *American Arms*, are too circumscribed. European and American security is not placed in a global context. The authors concentrate too heavily on the questions of regional arms and arms control rather than on the international political, economic and technological, and domestic setting that bear on these local security questions. Partly as a result, the dichotomy that *American Arms* presents between preserving the European balance of power in Europe and preventing Soviet-American nuclear war is not only somewhat forced, but also overtaken by events in light of developing Soviet-American alignments on strategic arms limitations and on policies toward Europe and the Third World, including most especially the Middle East. The bloc politics mind-set still has a strong grip on these analysts. There is some bow to the "multihierarchial international system" advocated by Stanley Hoffmann and practiced by French diplomats under the Fifth Republic, but most of

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the analysts recoil from the implications of this international perspective: the breakup of the military blocs in Europe; the withdrawal of American troops from the Continent; increasing Soviet economic and diplomatic penetration of Western Europe; and an evolving Soviet-American condominium in which United States security is sought, as George Liska argued in his *Imperial America*, in a worldwide framework within which critical American economic and political interests in Europe are recognized by the Soviet Union.

Europe would remain for the foreseeable future an important terrain for American action, but not its epicenter, as before. That these possibilities may not be as objectionable as the authors suggest may be seen in the halting, but continuing, efforts to secure arms-control accords with the Soviet Union, the gradual amelioration, if not resolution, of the German problem, Britain's entry into Western Europe on terms that pose serious economic problems for the United States, and the rise of the Third World states—witness China and the Arab states—as major players in international politics. Following Beaumarchais, American security and the preservation and extension of its nonmilitary interests in the region may hinge on the division of its West and East European opponents (note I did not say adversaries) rather than on its ability to impose a security system on the region.

Doubtless, the authors are aware of these possibilities. A mitigating circumstance in criticism is the serious time lapse that occurred between the original solicitation and composition of these essays and their publication. However, there is still some basis to chide the authors for believing in a status quo in which American leadership (read that subtle dominance) of the West European security system is retained while the global political, economic, and techno-military framework within which that provisional regional security system is suspended is rapidly changing.

These criticisms are compliments, for both works stimulate a necessary rethinking of European-American ties that is long overdue, and that, lamentably, did not result from the much heralded "Year of Europe" proclaimed by Secretary of State Henry Kissinger in April 1973.

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Backbench Opinion in the House of Commons 1945–55 *by Hugh Berrington. New York, Pergamon Press, 1973.—x, 265 pp. $19.50.*

Front-Bench Opposition *by R. M. Punnett, New York, St. Martin's Press, 1973.—xvii, 500 pp. $17.95.*

The Backbenchers *by Peter G. Richards. London, Faber, 1972.—248 pp. $14.75.*

Berrington, Punnett, and Richards write about the same general subject, recent political behavior in the British House of Commons, and they also have a common perspective as British political scientists primarily concerned with the government and politics of their own nation. All three books are knowledgeable, intelligently authoritative, and useful for students of the British political system. They do not, however, directly compete with each other. Despite the general subject which they have in common, each book has its own focus. As is plain from Punnett's title, he is concerned with the front bench rather than with the backbenchers studied in the other two books. And Berrington and Richards really write about backbenchers in different ways and at different levels. Trying, therefore, to say much about the three books collectively is not as helpful as commenting separately on each.

For American political scientists specializing in legislative behavior, Berrington's sophisticated analysis of backbench opinion will be of greatest interest. It follows the innovative methods of *Backbench Opinion in the House of Commons, 1955–59,* coauthored by Finer, Berrington, and Bartholomew and produced by the same publisher in 1961. Now Berrington himself uses mainly the same kind of data for the three Parliaments of 1945, 1950, and 1951 as the earlier volume had drawn upon for the Parliament of 1955. Consequently the new work is able to compare findings over the entire period of fourteen years, and specifically to compare the three roughly five-year spans of 1945–1950, 1950–1955 (combining the 1950 and 1951 Parliaments), and 1955–1959. Yet Berrington, like most political scientists, seeks to generalize about parliamentary behavior, in the present tense, rather than to confine himself to a description of experience in one or more historical periods. Accordingly there emerge from his analysis certain patterns distinguishing Labour party dissent from Conservative dissent, and these different patterns seem to have, if not a timeless character, at least a broad relevance for middle and late twentieth-century British parliamentary politics. But, while suggesting some such continuity, Berrington also emphasizes significant changes that have taken place over the years of his study.

Before further noting Berrington's findings, it is well to describe the principal source of data for this work as well as for the previous coauthored study. That source consists of backbench signatures on backbench-sponsored resolutions (officially called Early Day Motions, or EDMs), which are not expected to

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be discussed in the House of Commons but which record the views of MPs on a wide variety of subjects. Hundreds of EDMs are tabled in a Parliament lasting a few years, and large numbers of MPs, from the backbenches of both the government and the opposition parties, sign EDMs at the request of their sponsoring colleagues. Party discipline does not preclude these backbench expressions in the way that it precludes frequent large-scale revolts in parliamentary division lobbies. Thus the British system provides a numerical substitute for the roll-call data familiar to students of American legislative behavior. Of course, this substitute consists of actions (signing EDMs) that are by no means so consequential as actual voting by MPs; it is just because the actions are not so consequential that they are freely taken. But Berrington ably defends the use of EDMs as a source of meaningful data by showing that the backbench opinion reflected in EDM signatures is associated with certain social characteristics of MPs and also with the behavior of MPs in floor revolts.

Berrington devotes almost four times as much space to the Labour party as he does to the Conservatives, thereby confirming the greater importance of intra-Labour dissent that flows from his observation that "The Labour Left stands as the permanent opposition" (p. 28). The author does find cleavages within the Conservative party too, but no dissenting syndrome so well-defined, either ideologically or in terms of social background, as that of the Labour Left. A cleavage between Oxford and Cambridge Conservatives, detected in the previous EDM study as well as in this one, seems not just "curious" (p. 169) but downright esoteric to an American. Generally, however, Berrington's findings emphasize the politically significant, and he tells us a good deal, in clear numerical terms, about the nature of the two major parliamentary parties.

Punnett's study of front-bench opposition is methodologically less specialized than Berrington's book. It has ample quantitative data (fifty-one tables and thirteen figures), but these are mainly straightforward tabulations rather than the moderately technical statistical presentations employed in the EDM analyses. Punnett makes excellent use of many documentary resources, and also of "eighty non-attributable interviews with MPs, peers, party officials, and officers of Parliament" (p. xv). Altogether the result is a prodigious scholarly work containing as much as we will want to know about the relatively recent development of a well-identified and substantial front-bench opposition team, particularly of the emergence since 1955 of appointed spokesmen for particular fields. The author rightly treats this development as an aspect of an increasingly professionalized House of Commons. Informationally, Punnett's book is full and probably exhaustive. It should be helpful to students of various aspects of British parliamentary opposition, and it will no doubt become a standard source with respect to the membership and the roles of opposition spokesmen.

Analytically, Punnett is most interesting when he explains the differences between the Labour and the Conservative contexts for opposition activity. Labour

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elects its shadow cabinet (really its Parliamentary Committee), and the Conservative party leader selects his party's shadow cabinet. But this difference, Punnett makes clear, may well be reduced by the practice, begun by Labour, of having the leader appoint opposition spokesmen from among MPs who are not always on the elected Parliamentary Committee (p. 134). A second established difference between the two parties may, however, be of continued or even of growing importance. Labour, unlike the Conservatives, gives in principle a great influence to its extraparliamentary organization in developing long-run opposition policy. Accordingly, a Labour leader and his front-bench colleagues may have less control over their party's opposition posture unless they can dominate (as seems increasingly difficult) the extraparliamentary organization. It is true that Punnett does not explore much of the impact of this situation on actual government policies, current or subsequent. But that would be a complex question worth another book of a rather different kind.

Richards' work is designed for a somewhat less specialized group of readers although, like Punnett's, it provides considerable detailed information. It will be useful in much the same way as were the two editions (1959 and 1964) of the author's *Honourable Members*. Parliamentary life has changed enough, as Richards notes, to justify a new book and not just a new edition. But the purpose remains similar: to describe MPs, their conditions, party relationships, behavior patterns, committees, legislation, constituency responsibilities, interests, and general public roles. Richards covers these subjects, along with a few others, and he does so clearly and succinctly. His viewpoint is generally supportive in the sense that he believes that backbenchers influence parliamentary decisions and that they should have public respect.

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France 1848–1945. Volume I: Ambition, Love and Politics *by Theodore Zeldin. New York, Oxford University Press, 1973.—823 pp. $19.50.*

"I have . . . not written a chronological history of events. . . . My method has been, rather, analytical, in the sense that I have tried to disentangle the different elements and aspects of French life, and to study each independently and in its inter-relationships" (p. 7). This statement of the author's purpose and approach aptly reflects the changing mode of historical writing. Granting a measure of shifting fashion in this endeavor, the broad trend of expanding coverage remains on balance an asset to deeper comprehension. Emphasis on the structure and operation of society is the current vogue that brings history into close contact with sociology, just as some time ago economics received the greater stress.

The implementation of the method used by Zeldin is reflected in the first two

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parts of his book, where such chapter headings as "Doctors," "Notaries," "Bankers," "Bureaucrats," "Peasants," "Marriage and Morals," "Women," list the categories under which French society is examined. The third part approaches history in the more traditional sense. Under such rubrics as "Republicanism," "Bonapartism," "Opportunism," "Solidarism," and others the course of French events is followed in more clearly chronological fashion. This is done in large measure through an account of the activity of particular individuals. The significance of 1848 is analyzed closely, followed by a not unsympathetic review of the second Napoleonic episode, then the record of the Third Republic (the book essentially ends in 1914).

During the century under review France did not succeed in finding a solution either to the social question or to the stability of political institutions, although the short duration of governments conveys an exaggerated impression of unsettlement, being considerably qualified by the stability of personnel. Even if the Third Republic seemed for a time to have taken permanent root, the subsequent course of events has shown that the search is still under way. At the root of the problem may lie the factor of complexity that Zeldin quite properly stresses repeatedly. The century was marked by the dominant place of the bourgeoisie, but it began with a condition where the peasantry was by far the largest social component and ended with a situation where industry had taken the larger place, even if that development took place in France at a more sluggish pace than in other developed countries.

Zeldin takes issue with what he regards as the oversimplification of a France fundamentally divided between two camps, the forces of conservation pitted against those of movement, the latter claiming filiation from the Great Revolution. But, be it in 1848 or after 1871, these contained a very large and powerful conservative element, the same bourgeoisie always essentially in control. The voting pattern in various sections of the country, of which illustrations are given, furnishes evidence of the multiplicity of trends that governed the behavior of the French electorate.

The book contains rich fare, and the wealth of material is credit to the scholarship of the author, though, to be sure, a different choice of categories could have been made and others could have been added. A separate discussion of education would have been welcome, for example; from the elementary school to the university it was such a powerful tool in integration and in molding the tenor of a culture. There is more to France than the relatively drab record of her politics and economics. Thus the book remains in a sense incomplete as an analytical tableau of the totality that was France in this period; it would give a skewed impression to one uninformed about her problems and record. But this is only the first of two volumes; given its quality, one can only await with high expectation the appearance of its sequel.

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The Foreign Policy of the Third Reich *by Klaus Hildebrand. Anthony Fothergill, trans. Berkeley and Los Angeles, University of California Press, 1973.—ix, 209 pp. $3.95.*

Hitler, Horthy, and Hungary: German-Hungarian Relations, 1941–1944 *by Mario D. Fenyo. New Haven, Yale University Press, 1972.—xii, 279 pp. $12.50.*

Hitler's Strategy 1940–1941: The Balkan Clue *by Martin van Creveld. New York, Cambridge University Press, 1973.—x, 248 pp. $13.95.*

The War Hitler Won: The Fall of Poland, September, 1939 *by Nicholas Bethell. New York, Holt, Rinehart and Winston, 1973.—viii, 472 pp. $10.00.*

Few topics have been so thoroughly examined as the foreign policy of Adolf Hitler's Third Reich and the global conflagration that marked its logical conclusion. Nonetheless, the wealth of primary source material available and the continuing fascination with these themes result in the regular appearance of new works whose volume shows little sign of diminishing. The four books under scrutiny here represent the diversity in scope and quality of these contributions to our knowledge of Nazi Germany and World War II.

The treatise by Klaus Hildebrand is the least original but perhaps the most valuable work from the pedagogical viewpoint. A translation of the German-language version that appeared in 1970, the book's basic purpose is to provide a synthetic interpretation of German foreign policy in the Nazi era that combines the traditional approach to diplomatic history with the recent attempts at structural analysis of Hitler's diplomacy typified by Hans-Adolf Jacobsen's masterful study *Nationalsozialistishsche Aussenpolitik 1933–1938* (Frankfurt/M, 1968). Hildebrand is concerned primarily with the extent to which Nazi foreign policy, in both its ends and means, represented a break or continuity with that of the preceding Wilhelmine and Weimar epochs. Accordingly, he postulates four main theses: (1) There was more continuity in both domestic and foreign politics than change in the history of Germany to 1945. (2) The liberal-parliamentary Weimar system failed because most of the ruling elements in Wilhelmine Germany resisted its basic ideas and institutions. (3) Hitler's regime was the logical culmination of the Prussian-German historical authoritarian tradition. (4) Ultimately the weight of the National Socialist ideology inherent in the Nazi program after 1933—particularly the emphasis on aggressive racism and territorial expansion eastward—collapsed the successful foreign policy which Hitler had managed to fashion.

These ideas are far from novel, having been developed most recently and, perhaps, most effectively in Karl Bracher's *The German Dictatorship* (New York, 1970) and Gerhard Weinberg's *The Foreign Policy of Hitler's Germany* (Chicago, 1970). Probably the major substantive point of the book is Hildebrand's

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firm belief that the single dominant nonideological element in Hitler's diplomatic thinking was the desire to engage Great Britain in a working partnership that would create a viable world order. The author explains all of the major German international moves—alliances with Italy and Japan, attitude on colonial questions, even the attack on the Soviet Union—as being motivated primarily by Hitler's obsession with obtaining British cooperation, through either friendly or unfriendly persuasion. Again, though, this is not a particularly new idea—although the intensity and convincing manner in which Hildebrand argues it is unprecedented in serious scholarship. Rather, the importance of this book results from its ideal qualifications as an effective introduction to the essence of Hitler's foreign policy—perfect reading for an undergraduate course or graduate colloquium, where a book that both offers a readable general analytical treatment and provokes discussion is required. Its smooth style and coherent unity further enhance its attractiveness in this regard.

The next two items to be considered are "case studies" of specific questions in German foreign policy. Although both books deal with Germany's relations with her smaller neighbors to the southeast, there are numerous differences in approach and substance between them. Mario Fenyo's book is a disappointment. His linguistic capabilities, access to primary source materials normally denied the Western scholar, and a personal familiarity with his topic are all negated by his inability to arrange and present his material in a comprehensible, analytical, and conclusive manner. Only with considerable effort does the reader eventually perceive the image of Hungary's role in German diplomacy during the years 1941–1944: A country led by men basically weak-willed and often sympathetic to Nazi policy, which in turn prized Hungary both for its economic resources and geopolitical strategic value as the pivot in east central Europe. The best sections of the study are those which detail the economic dimension of German-Hungarian relations and the evolution of German official and unofficial attitudes toward the Hungarian civil and military leadership. Much attention is paid to the formal entry of Hungary into the war and its subsequent military performance. However, Fenyo is at his best when discussing the German military occupation of Hungary and the establishment of a puppet regime in Budapest. His treatment of the manner in which Hitler arrived at this decision, and Hungarian actions in the face of it, is especially thorough. Yet, even here the book suffers from the author's inability to draw the logical conclusions from his narrative. In short, this lack of serious analysis, coupled with an irritating tendency to patronize the reader condescendingly with platitudes about the "moral judgments" of history and the illusive role of the scholar, converts Fenyo's book from a potentially indispensable source for the study of great-power politics into a depressing exercise in academic immaturity and maudlin sentimentality.

No such flaws mar the masterful study of Martin van Creveld. In fact, on every major count—research base, style, organization, and substance—this

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is one of the best books produced on Hitlerian diplomacy in recent years. Essentially, it focuses upon overall German strategy in the years 1940–1941 as viewed from the perspective of Hitler's policies toward Greece and Yugoslavia. Skillfully using a wealth of unpublished primary source material, the author advances a new interpretation of Nazi grand strategical and tactical maneuvering during this period. Thus, he demonstrates convincingly that Hitler was indeed seriously interested in the Mediterranean as a major trump in the campaign against Great Britain, which could be harassed, and eventually crippled decisively, by concerted Axis pressure on the lifelines to her empire. Moreover, Berlin was heavily dependent upon the Balkan lands for the abundant natural resources they possessed. Accordingly, Greece became a key factor in general German strategy—first as a "jumping-off" spot for an offensive against British-held territories in North Africa and the Middle East, and then, with the abandonment of this plan, as a vital line of defense against British threats to Nazi-held Balkan territories. Thus, van Creveld reveals how Hitler approved tacitly Mussolini's invasion of Greece and then, with the Italian armies in disarray and formal preparations for the Russian invasion demanding every available Axis resource, tried to relieve his ally—first by repeated peace offerings to Athens, then, when these were rebuffed under British pressure, by launching a poorly planned and executed German military operation against Greece. Moreover, he proves that the subsequent German action against Yugoslavia was not prompted by concern for the Russian campaign per se, but was directed against possible Yugoslav threats to the troops in Greece. Finally, the author establishes that both the Greek and Yugoslav operations did little to delay the German assault on Russia, which was already bogged down over problems of assembling troops and supplies from the western front.

In addition to exploring these crucial aspects of Hitler's wartime military and diplomatic strategy, van Creveld broadens his study to include a probing insight into the complex relationship between Hitler and Mussolini. He also provides a fascinating look at the decision-making and planning processes of the German military establishment, which first tried to influence, and then implement, Hitler's strategical decisions. The pleasant readability of the author's style, plus a logical organization that produces a cohesive, unified package, ensures that the reader will follow every sharp turn in the tangled path of Balkan maneuvering. Finally, van Creveld does not shrink from offering solid analytical challenges to accepted views on German-Italian relations and German strategy in this period—and, more importantly, he succeeds in establishing his position. Beyond any doubt, this book is a major contribution to the already substantial literature in the field.

The final work under discussion offers yet a third perspective on World War II and German foreign policy. Whereas Hildebrand has written a synthetic, interpretive overview of Hitler's diplomacy, and Fenyo and van Creveld each present a detailed examination of one particular aspect of that diplomacy, Nicholas

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Bethell turns his attention to the opening round of the war and the behavior of the Western allies when faced with Hitler's challenge. Concentrating on Great Britain, the author scrutinizes the painful process of national introspective searching and deliberation which produced embarrassing—and strategically fatal—periods of indecision and lethargy in London and Paris before the allies finally launched a half-hearted military response to the Nazi attack on Poland. Although he neglected the rich archival sources available in Washington, Paris, Bonn, and Rome, Bethell nonetheless has produced a damning indictment of the Western powers' failure to assert the leadership role assigned them at Versailles. He believes that the decision to fight a limited, defensive war against Germany was well-advised from a purely military point of view, but was disastrous from a political perspective. It completely destroyed the credibility of the Anglo-French camp, making it clear that the sacred promises of aid and support were as hollow and meaningless as the speeches of the British and French leaders. Not only did this vacillation lend credence to Hitler's charge that the Western democracies were decadent and antiquated; it also, as Bethell points out, had domestic repercussions in these countries, for "it lulled the British and French people into a sense of false security and imbued into them none of the energy and fervour which are essential if one wants to win a war" (p. 409). As this quotation indicates, Bethell is not reluctant to offer sharp judgments and draw conclusions from his study—indeed, the strong point of the book is its determined analysis. From it emerges the first objective, in-depth look at all of the behind-the-scenes intrigues, maneuvering, and soul-searching that took place in London, Paris, Washington, and Moscow during the "phoney war," as well as penetrating dissections of the leading personalities in the drama. The lively, smoothly flowing style makes reading the book an effortless pleasure, while offering an informative lesson in opportunity lost.

Whatever their individual merits or deficiencies, all of the books discussed above are indicative of the continued interest in the foreign policy of Hitler and the war it sparked. Each offers a new perspective worth serious consideration, and should act to stimulate further scholarly research, writing, and debate in this area.

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The Soviet Union and the Arab East under Khrushchev *by Oles M. Smolansky. Lewisburg, Pa., Bucknell University Press, 1974.—326 pp., $15.00.*

The Soviet Union's conspicuous role in the recent crises and wars of the Arab Middle East tends to obscure the fact that the USSR's entry into the region as a serious actor dates back less than two decades. Moscow's initial penetration (the

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1955 arms deal with Egypt), its spilling over into other Arab countries, and its deepening into a physical as well as political presence, were essentially the work of Nikita Khrushchev, who presided over the first decade of Soviet ventures into the morass of Arab regional politics. Oles Smolansky has written a critical analysis of Khrushchev's stewardship of Soviet Middle Eastern policy during the 1955–1964 decade, focusing on the public dialogue conducted between Soviet, Egyptian, Syrian, and Iraqi leaders through the press and radio of their countries. Utilizing both original Russian and Arabic language materials, Smolansky's monograph details the point and counterpoint of the frequently stormy dialogues that helped establish the parameters within which the Soviet Union has conducted its excursions into Arab politics. The details will make Smolansky's study a valuable sourcebook for students of this period, particularly for Soviet specialists who do not read Arabic and for Arabists who do not read Russian, but the more general reader will probably find in the lengthy accounts of speeches, articles, and radio commentaries more than he needs, and may find less than he would like in the brief analytical Conclusion, where Smolansky attempts to integrate findings from his exegesis into a larger global political and military framework.

On balance, Smolansky concludes, Khrushchev's Middle East policies must be counted a failure and that failure probably contributed to his ouster in 1964. It should be no surprise that Khrushchev's own appraisal of these policies, effusively set forth in his reminiscences, contrasts sharply with the author's, but the vehemence of the deposed Soviet leader's attack on his internal critics—"the grumbling . . . narrow-minded skunks who raised such a stink . . ." (Strobe Talbott, trans. and ed., *Khrushchev Remembers*, Boston, Little, Brown and Co., 1970, p. 450.)—suggests that Smolansky's negative judgments may have been shared by some of Khrushchev's own colleagues and perhaps did figure in the catalog of charges compiled in the Kremlin against the "hare-brained schemer."

According to Smolansky, the defects of Khrushchev's policies, especially toward Egypt, which played the pivotal role, reflected the fact that the Soviet-Arab relationship was built on a coincidence of "tactical short-range interests —above all, the mutual desire for weakening Western influence in the Arab East," and not on an identity of "long-range strategic interests" (p. 295). The Soviet Union's Arab partners did not wish altogether to exclude the West, particularly not the United States, and thus leave the USSR alone as the dominant external power in the region; they sought rather to use Soviet military-political backing as leverage on the United States. For the USSR's Arab clients, particularly after 1967, the crucial issue was the conflict with Israel and the return of Arab territories squandered by Nasser's impulsiveness. This was surely not a vital Soviet interest, but became the test by which the USSR had continually to prove itself in Arab eyes, and to which the pursuit of other, more highly valued Soviet objectives (the toppling of traditionalist, pro-Western Arab Gulf gov-

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ernments, the expulsion of the United States) had to be subordinated. A succession of Soviet leaders repeatedly learned the bitter lessons that their Arab "clients" offered scant rewards for *past* Soviet favors; Sadat's dramatic expulsion of Soviet advisers in July 1972 and his conspicuous embrace of Henry Kissinger after the October 1973 war demonstrated the essential fragility of Moscow's hold.

Even during the Khrushchev period it was clear that the pace of Soviet involvement in Arab regional politics was outstripping the USSR's capacity to control the behavior of its clients. Given the highly volatile environment, this defect contributed to the eruption of crises and wars that Soviet leaders probably did not intend, were powerless to prevent, but chose to support if only to maintain their good standing with essentially uncontrollable clients. In the second volume of his memoirs, Khrushchev somewhat disingenuously blames his successors for failing to control Egypt in 1967 and permitting Nasser to provoke war with Israel by removing UNEF forces and blockading the Gulf of Aqaba (Strobe Talbott, trans. and ed., *Khrushchev Remembers: The Last Testament*, Boston, Little, Brown and Co., 1974, pp. 345–346). But the policy that committed the USSR to clients it could not control and to a cause that was not its own, was his creation, and the series of wars to which it contributed was in large part the consequence of the unstable foundations on which Khrushchev, in his haste to project Soviet power and influence into the Third World, constructed his country's Middle East policies.

ARNOLD L. HORELICK
The Rand Corporation

Bukharin and the Bolshevik Revolution: A Political Biography 1888–1938 *by Stephen F. Cohen. New York, Alfred A. Knopf, 1973.—xix, 495 pp. $15.00.*

Outstanding revolutionary among the younger Bolsheviks fighting the tsar; according to Lenin "not only the party's most valuable and biggest theoretician but also rightfully considered the favorite of the whole party"; valuable ally to Stalin against the Left; leader of the so-called Right Opposition to Stalinist extremism and victim of the terror apparatus he once urged on in earlier civil war days, as one of the "mad dogs" of the "Anti-Soviet 'Bloc of Rights and Trotskyites' "; Nikolai Ivanovich Bukharin has at last found full-length vindication in Professor Stephen Cohen's distinguished biography, undoubtedly one of the most important books on Soviet politics to appear in recent years.

To be sure, this is not a total vindication. Bukharin emerges in Cohen's masterly account as an attractive, creative, but flawed political figure. Bukharin was attractive in his personal warmth and loyalty, his moderation and concern

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for the human costs of development. He was creative and ahead of others in his writings on imperialism, peasant partisan war against the towns, socialism in one country, the peculiar threat of Nazism and the universal possibilities for degeneration into an "iron heel" Leviathan under a modern bureaucratic new class, and above all in his program for building socialism gradually in a pluralist society. Yet he was also a flawed politician who seemed to feel you could turn violence full on in a civil war, unleash "proletarian coercion in all of its forms, beginning with shooting and ending with labor conscription" (p. 92) in 1920, then bottle up forever the apparatus launching that terror during NEP, the New Economic Policy period of economic and cultural liberalism.

After 1920 Bukharin became a conciliator, an advocate of "civil peace not civil war." He interceded for the lives of Socialist Revolutionary defendants in 1922. He was the only one of the top leaders to fulfill at the 12th Congress in 1923 the request of the ailing Lenin to condemn repression of Georgian Communists and attack Great Russian chauvinism. Yet four years later, as Soviet "co-leader" in a duumvirate with Stalin, he demanded penitence of Trotsky and the Left and supported their expulsion as "factionalists," because he feared their program for "primitive socialist accumulation" at peasant expense more than he feared Stalin. With the Left gone, Bukharin became dispensable. Stalin turned on him and went far beyond the Left program in a holocaust costing 13 million lives in ten years. "Part of the tragedy of the Old Bolsheviks," Cohen writes, "lay here; for seven years they fought among themselves over principles, while an intriguer gradually acquired the power to destroy them all" (p. 157). Bukharin comes through as a man whose "dishonest and tortured rationalization of Soviet developments" masked his "private fears" that "a post-capitalist society might bring another, crueler system of exploitation" (p. 32). He had a part, however involuntary, in bringing about just the "iron heel of the militaristic state" that he feared.

Already we see that causes of Stalin's triumph lie, as Cohen rightly states, beyond his control of the Party machinery, a necessary but by no means sufficient condition. Bukharinites' preference for Stalin over the Left, and indecent treatment of the Left, played a part, and a particularly poignant one, because of Bukharin's warm relations with Trotsky in their United States exile and up to 1926. Above all, however, Stalin's triumph was a triumph of the party code of loyalty, enunciated by Trotsky: "One cannot be right against the party." This code accounts for "the narrow arena and covert nature" of Bukharin's struggle with Stalin, his reluctance to appeal for mass support inside or outside the party. Such a covert struggle put organization man Stalin at an advantage, and the publicist Bukharin at a disadvantage by cutting him off from wide potential support, as Cohen documents.

Solzhenitsyn in *Arkhipelag Gulag* portrays the defeated Bukharin as a cowardly weakling, recanting while at liberty and confessing on trial to save his life and help the party by his last acts of humiliation. But Cohen treats Bukharin

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after his defeat as a tragic and courageous figure who fights a rearguard action, using his recantations and remaining posts to make possible at least oblique criticism. His confession of general responsibility as defendant, Cohen says, was necessary to save his young wife and newborn son but his vigorous denials of specific crimes constituted an effort to expose the absurdity of the trial and express himself publicly for the last time.

As long as Bukharin remains an "anti-Leninist" and "pseudo-Bolshevik" in the USSR, this will mean that the "humanistic socialism" he stood for in his best and brightest period of leadership is still considered too much of a threat to "the legitimacy of Stalin's imposed collectivization and thus the structure of present day Soviet society" (p. 383). What happens to Bukharin's memory, as to Stalin's, will be a touchstone to the evolution of the Soviet regime. Now, with Stephen Cohen's biography we have further confirmation of Bukharin's importance for the ongoing contest among various ways to build and sustain socialism.

PETER JUVILER
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Will Japan Rearm? A Study in Attitudes *by John K. Emmerson and Leonard A. Humphreys. Washington, D. C., American Enterprise Institute for Public Policy Research, and Stanford, Calif., Hoover Institution on War, Revolution and Peace, 1973.—165 pp. $3.00.*

This booklet is more a *reportage* than a book in the usual sense of the word. It contains a series of essays on Japanese attitudes toward rearmament and a fifty-page appendix of relevant documents.

The authors, conversant in the Japanese language, examine Japan's major newspapers for editorial views and public opinion polls in order to find out how they have expressed themselves on the question of armament. Since the authors themselves did not conduct opinion surveys or carry out interviews, their findings are generally a reflection of what is reported in Japanese newspapers. And these findings are as impressionistic as they are predictable. Emmerson and Humphreys come to the conclusion that the Japanese will not decide to produce nuclear weapons in the foreseeable future but will try to improve the quantity and quality of their country's conventional arms.

It is easy to find fault with a publication of this type from a purely academic standpoint. It lacks methodological vigor and organizational consistency. Essays in its six chapters are not related to one another either in terms of chronology or of substance, and there is a great deal of repetitiousness. Chapter 6 could have been omitted without making a bit of difference. Most serious is the built-in handicap because of the contemporary nature of the subject matter. The authors are fairly up to date as of 1972, but what is the point of dwelling on

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some isolated newspaper editorials of 1971 or 1972, or on now-forgotten diplomatic episodes of those years when the oil crisis of 1973–1974 has brought about an entirely new set of problems and arguments? The authors nevertheless try to predict the future on the basis of the recent past. Their style reflects this interest; the book is filled with paragraphs where the future tense is mixed together with the past, present, and present perfect tenses. For instance: "Changing power relationships in Asia will seriously affect Japan's security policy" is immediately followed by "The Japanese public awaited President Nixon's visit to Peking with mixed emotions" (p. 80). The future precedes the past, and the latter in turn is followed by a sentence in the present perfect: "the Soviet Union . . . has unsurprisingly begun to actively cultivate Japan" (p. 80). The reader unsurprisingly begins to get confused.

Nevertheless, the booklet will serve some useful purpose by providing the lay public with an insight into Japanese moods and ideas. Admittedly less than profound, this sort of instant analysis is needed because the mass media in the United States have failed to educate the readers about the changing currents of Japanese politics and opinion. There is, after all, a long and honored tradition of study papers and analyses by America's Japan specialists, going back to the World War II years. Recalling that wartime memoranda by the State Department's junior officers did much to prepare the country for America's postwar role in Japan, one has confidence that Emmerson and Humphreys have produced a useful and competent report that will prove to be essentially accurate.

AKIRA IRIYE
University of Chicago

Population, Politics, and the Future of Southern Asia *edited by W. Howard Wriggins and James F. Guyot. New York, Columbia University Press, 1973.—xiv, 402 pp. Cloth, $8.50; paper, $2.95.*

Modernization in South-East Asia *edited by Hans-Dieter Evers. New York, Oxford University Press, 1973.—xix, 249 pp. $19.75.*

Each of these books is the product of a conference, all too often not a happy genesis for an analytical volume. The papers collected by Wriggins and Guyot were presented initially at a conference on population sponsored by Columbia University's Southern Asian Institute in 1971. The volume edited by Hans-Dieter Evers grew out of sessions held at the Institute of Southeast Asia Studies in Singapore in the same year. The fact that both of these books manage to avoid the common pitfalls of conference-produced works is due to the skill and persistence of their respective editors, who have provided a coherent focus for the contributions and encouraged participants to rewrite their original papers in light of the questions and criticisms raised during the conferences. The value

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of the two books is also enhanced by the participation of Asians, Europeans, and Americans, all of whom have conducted empirical research and most of whom have had practical political experience as officials or consultants.

But there is a further factor which gives the books their unusual bite. They were produced in an era of refreshing skepticism. As Evers says in his introduction, the participants came together in a "spirit of doubt" (p. xiii). The 1970s is a decade in which postwar theories of development are under greater scrutiny than ever before, scrutiny that is less prone to ideological posturing and more inclined to send us back into the field to do more careful and imaginative empirical research.

The past two decades have been preoccupied with the *conditions* for development, and S. N. Eisenstadt, whose paper served as the keynote presentation at the Singapore meeting, is still chiefly concerned with the requisites for a "breakthrough" to modernization. But the majority of the conferees contributing to both volumes appear to be increasingly anxious over the *consequences* of those development policies already implemented. There is general agreement that conditions will vary, that Asian nations not only start from different cultural and experiential bases than did the developed countries of North America and Europe, but that, as R. P. Dore notes in the Evers book, there are differences due simply to chronological sequence, with the "later developers" facing tougher constraints than did earlier developers. Without claiming to have come up with a definitive list of positive conditions for successful development, the participants go on to question whether the consequences of development policies have been as beneficial or even as predictable as assumed ten years ago.

Looking at development from the vantage point of latent and unexpected consequences prompts a more modest definition of the term. In their introduction, Wriggins and Guyot refer to governments "coping with heavier loads" (p. 18). This pedestrian phrase may be more useful in analyzing development than the grandiose concepts of "modernization" or "Westernization," both of which suffer from cultural bias. "Coping" at first sounds uncomfortably like maintaining the status quo, something the conferees believe is neither desirable nor possible. But on closer examination "coping" is a dynamic process because the demands on governments are changing so rapidly. Specifically, the "heavier loads" that governments must handle include increasing citizen demands for participation and for public services.

There has been a tendency on the part of many political analysts—especially American—to look solely at participation, seeing it as the chief challenge for any postcolonial regime. Donald Emmerson, for instance, writing on generation gaps in contemporary Indonesia for the Wriggins and Guyot volume, predicts that the "generation of 1945" which fought for national unity and independence from the Dutch will have to be willing not only to permit the large upcoming postindependence generation of political activists a wider role in

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politics, but will have to be sensitive to the youths' preference for decentralization over centralization in governance. Similarly, Remigio Agpalo notes in his contribution to the Evers collection that Philippine politics is changing in the direction of permitting greater political access to persons outside of the traditionally powerful families which long dominated provincial-level patronage.

While not dismissing the "participation explosion," contributors at both of these provocative conferences warn that we had better devote more analytical resources to the study of public services: their financing, distribution and maintenance, as well as their citizen reaction and their political manipulation. At present political scientists, unfortunately, know far more about party organization than about tax collection, far more about who participates in coups than about who gets electricity and who doesn't.

The most persistent question asked in both volumes about the consequences of development in Southern Asia concerns *distribution.* We have come a long way since the time when we were satisfied with gross indicators. One reason for the waning enthusiasm for conventional modernization strategies is the discovery that they have produced marked inequities within individual countries. Of all the authors only Goh Keng Swee, London-educated economist and former finance minister of Singapore, voices confidence in the development formula that invests priority in industrialization and cities. According to Goh, "It is better to leave the peasant and his quaint ways to the anthropologist. For those who are interested in the modernization process, the crucial area of study lies in the cities" (Evers, p. 92). For the others, however, urban growth without equivalent expansion of job markets or public services poses perhaps the most acute problem for Asian regimes. And it is a problem that is born not of development failure but of at least partial success, especially success in nationalizing education and modernizing health care. As the Columbia conferees note repeatedly, population growth per se is not the most pressing problem; it is the uneven distribution of nations' growing population—migrations to job-short cities and expansion of the youth cohorts.

Hans-Dieter Evers underscores the significance of the distributive implications of development by contending that European class analysis may prove to be the most pertinent approach to the study of Asian politics. Rather than the mobilization and communication concepts so popular among modernization theorists, Evers looks to notions of class and class conflict to describe and explain what is going on in Indonesia or Thailand at the outset of the 1970s. Participants of both conferences are arguing that development must be measured not simply in terms of the capacity of governments to produce gross results, but also in governments' ability—and willingness—to spread rewards within their nations in ways that satisfy participatory and service demands of young as well as middle-aged activists, of villagers as well as urban dwellers, and of street hawkers as well as civil servants.

In their empirically grounded skepticism regarding the consequences of

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modernizing strategies and in their attention to distributive patterns of rewards, both the Wriggins-Guyot volume and the Evers volume merit reading by not only Asian specialists but anyone with the temerity to offer a definition or prescription for "development."

CYNTHIA H. ENLOE
Clark University

The Second World War and Politics in Nigeria, 1939–1953 *by G. O. Olusanya. Lagos, Nigeria, Evans Brothers, Ltd., 1973.—ix, 163 pp. £1.25.*

This book is essentially the story of Nigeria's constitutional development up to 1953, the internal and external factors which stimulated nationalism there during and after World War II, and the development of the country's political parties.

One of the things often said about Nigeria is that it is a British creation. But Olusanya points out that there were local forces at work which could have given birth to a Nigerian nation. He stressed that the people had been interacting culturally, religiously, and commercially, and that these interactions were bringing about the emergence of Nigeria as a nation. The author also saw foreign religions as an instrument of nation building. He pointed to the Jihad and the Christian missionaries, arguing that the Jihad created in northern Nigeria a theocratic polity which transcended allegiance to ethnicity, while Christian missionaries produced in the south a crop of deethnicized Nigerians "bound together" by the Christian faith. The author thus is suggesting that too much credit has been given to Britain for the birth of Nigeria. He has admonished that "we should not however be deceived by the notion that Nigeria was a purely British creation . . . " (p. 6).

Olusanya also has argued that the period from 1939 to 1950 was one of missed opportunities for the Nigerian nationalists. World War II unleashed forces which could have compelled Britain to grant independence to Nigeria, but unfortunately the nationalists failed to utilize the opportunity. According to the author "the Nigerian political leaders were bankrupt in action; they did not want to wear the cloak of martyrs; they wanted independence to come to them on a platter of gold" (p. 127).

This seems to be an unfair indictment of the political leaders of the time. Olusanya has given a simplistic analysis of events. The political leaders did not betray the young as he contends. The Richards Constitution of 1947 was indeed the impediment to the development of Nigerian nationalism characterized by an allegiance to the concept of Nigeria. The constitution recognized ethnic differences and encouraged them by granting large measures of autonomy to the respective regions and their ethnic groups. This resulted in ethnic allegiance

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which proved detrimental to the cause of Nigerian nationalism. Nigerian political leaders realized the negative effect of the constitution on the country's nationalism. Nnamdi Azikiwe, leader of a major Nigerian political party, said that the Richards Constitution "departmentalized the political thinking of [Nigerians] by means of bloc vote" (*ZIK: A Selection from the Speeches of Nnamdi Azikiwe*, Cambridge, 1961, p. 100). Under the given constitution it could not have been feasible for Nigerians to achieve independence. The political leaders of the time should be blamed only to the extent that they permitted the colonial power to manipulate the situation to its advantage in keeping Nigeria under British political control.

Finally Olusanya leaves his readers a little uncertain about the extent of Nigerian nationalism: was it a mass movement?

This book does not offer much that is new, but its importance lies in the interpretation of facts. However, the author has done a good job in his presentation. The style is simple, the writing lucid, and the reading interesting. It is a welcome addition to the growing number of works on Nigerian history and politics.

LEVI A. NWACHUKU
The University of Michigan, Flint

Ebony Kinship: Africa, Africans, and the Afro-American *by Robert G. Weisbord. Westport, Conn., Greenwood Press, Inc., 1973.—xi, 256 pp. Cloth, $10.95; paper, $3.45.*

> I think a good deal in terms of the power of black people in the world. . . . That's why Africa means so much to me. . . . Now that doesn't mean that I'm going back to Africa, but spiritually I've been a part of Africa a long time.
>
> Paul Robeson

From the slave coasts of Africa to the dark ghettos of the new world, the black man's journey into the diaspora has taken a heavy toll. Loss of identity and the withering of self-respect have been the disastrous consequences of an unmitigated subjugation to the power and will of an alien race. The sense of estrangement fostered by these adverse conditions finds its expression in a recurring concern for the lost homeland. It is this quest for self-definition which serves as the theme of Robert Weisbord's book, *Ebony Kinship*.

Brandishing a wide-ranging array of facts which trace the evolution of relationships between Africa, Africans, and the Afro-American, Weisbord furnishes a wealth of data for the person interested in a provocative introduction to the subject. He informs the reader about the activities of the Yoruba Temple in New York City; the move to build the Nairobi Village Shopping Center in East Palo Alto, California; early back-to-Africa schemes; the Chilembwe uprising in Central Africa; the meaning of Mau Mau to black Americans; and

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the riot which broke out in the gallery of the United Nations building when visiting blacks heard news of Lumumba's assassination. Sidestepping many of the well-known contributions of men like W. E. B. DuBois, George Padmore, Kwame Nkrumah, and Aimé Cesaire, this book shies away from the major concerns of most contemporary students of Pan-Africanism in an effort to concentrate on the less salient, grass-roots aspects of the movement.

Based largely on heretofore little used historical documents, Weisbord's chapters on Marcus Garvey and Mussolini's invasion of Ethiopia stand far above the rest of the book. He assesses Garvey as the most successful proponent of back-to-Africanism—even though he was vehemently opposed by the leading intellectuals of his time. Following the exposition of Garveyism, Weisbord has an elucidating discussion of black sentiment toward the Italian invasion of Ethiopia in October 1935. In a wealth of material he demonstrates that "the war was highly significant in raising levels of black and African consciousness in Afro-America and the Caribbean" (p. 9). The fresh new insights which are brought to these subjects are unquestionably the book's major contribution.

As the study moves from the realm of the historical to the contemporary, it loses much of its vitality. There is an unwarranted emphasis on trivia. Facts such as the following abound: "Africanization of the hair was simplified by the marketing of Afro wigs. Obviously not all blacks have hair that is amenable to the natural look" (pp. 194–195). This tongue-in-cheek remark is followed by others, such as when he comments on Afro-Americans who insist on being called black "even when their skin color was truly brown or tan" (p. 188). Weisbord's whole discussion of present-day manifestations of the links between peoples of African descent is characterized by a curious mixture of important milestones and insignificant tidbits. More a book of facts than a carefully thought out analysis, *Ebony Kinship* leaves it up to the reader to sort the wheat from the chaff.

While the obvious intent of the book is to balance the positive with the negative in order to give an accurate accounting of the bonds and shackles which join and separate blacks on either side of the ocean, the overall effect is to perpetuate an image of confusion and disunity. Although he bills his study as a sympathetic analysis of the ebony kinship, Weisbord, the unconscious but not unsilent heir to a tenacious legacy of invective, spends a great deal of time giving detailed examples of ebony estrangement. Blacks in Africa and the Americas are shown to share an antagonistic history of reciprocal antipathy. Even when the statements of men like Paul Robeson, Malcolm X, Martin Luther King, Jr., and Stokely Carmichael are marshalled as evidence on the side of the spiritual kindredness, the die has already been cast. His emphasis of the divergence in views between those who care and those who scorn has the effect of highlighting black disunity in thought and action.

Can this dull-toned picture of confusion be accepted as a balanced, accurate analysis? Only if one takes a fragmented view of what is actually an ongoing

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process. Weisbord plays up the tension between the two strains of a dialectic. But it is in the working out of those tensions that ebony strangers are transformed into ebony kin. The process is one of a coming to consciousness—of self, of the meaning of blackness, and of the nature of the struggle which unites black people the world over. This is the crucial point to be made about the ebony kinship. And it is this consciousness, if effectively harnessed, that will give new dimensions to the hope for freedom.

PEARL T. ROBINSON
Columbia University

The Great Wheel *by Sidney E. Rolfe and J. L. Burtle. New York, Quadrangle/The New York Times Book Company, 1973.—xx, 279 pp. $9.95.*

The title of this book by S. E. Rolfe, a successful investor and economic researcher at M.I.T., and by J. L. Burtle, vice-president of a large New York corporation, is derived from Adam Smith's description of the monetary system as a wheel that organizes trade and investment relations among nations. Parts I and II are historical. They deal with the international monetary system before World War II and with the rise and fall of the Bretton Woods system established under the International Monetary Fund in 1944 for ensuring fixed exchange rates. Part III provides businessmen with a prescription for successfully coping with a system of floating exchange rates that now includes Special Drawing Rights as a stabilizing element. It advocates resort to computer-based technology for determining the direction and magnitude of incipient monetary trends.

In their lucidly written book about a complex matter, the authors effectively shatter the myth that competitive devaluations and floating exchange rates were responsible for the economic depression in international trade of the 1930s. On the contrary, adherence for too long to rigid and overvalued exchange rates and failure to use proper fiscal policies, they assert, were, together with the reparations policy toward Germany, the main causes of this depression. It is therefore not astonishing that the American and British efforts to ensure fixed rates of exchange under the IMF in 1944 should have had similar adverse effects on the economic relations among the Big Ten two decades later. As for the prosperity of the earlier post-World War II period, this was due to devaluations, encouraged by the United States, that took place in Europe and especially France. The current system of floating exchanges, the authors conclude, is but a sensible way of managing world monetary affairs.

Students of politics, national or international, will find Chapters 12 and 15 particularly thought provoking. The former, which is titled "The Political Economy of World Money: Mercantilism Revisited," is based on the theme that

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mercantilism is not dead but continues to exist as "Statecraft designed to stimulate exports and thus gain reserves" and that it is "the economic concomitant of nationalism" (p. 170). The latter, which is titled "The Politics of Exchange Rate Forecasting" (somewhat of a misnomer), elaborates the view that the United States and Britain were staunch defenders of fixed exchange rates for essentially foreign policy reasons: they aspired to play the roles of bankers and policemen of the world. The USSR, too, they suggest, without referring to it by name, would be a champion of fixed exchange rates but primarily for internal reasons, because of the requirements of its centrally planned economy.

In the mixed economies of democracies, the authors also observe, politicians at times abdicate their authority in matters of revaluing or devaluing the national currency, leaving it to the bureaucracy or the central bank to promote such goals. Governments of such economies, they also assert, are inclined to prefer (as did the United States after World War II) the encouragement of an export policy to one of deficit spending under public authority, because "exports are profitable and technologically sharpening" and require "neither battles with Congress for appropriations nor adjudications of priorities among competing groups," as social expenditures do (pp. 180–181).

STEPHEN G. XYDIS
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International Legal Aspects of Federalism *by Ivan Bernier. Hamden, Conn., The Shoe String Press, Inc., 1973.—xii, 308 pp. $15.00.*

Federal structures of government exist in many parts of the world, both among the older and younger members of the international community, and federalism by its very nature presents international legal problems. Among these are questions dealing with the federal treaty-making power in areas involving the constituent units such as taxation, education and communications, the suitability of entrusting foreign-relations powers to the component members, the implementation of international agreements, the international personality and immunity of the member states of a federation, and state responsibility for injury to aliens. These are some of the problems which are examined in this study. As the author notes at the beginning, his object is "precisely to determine" (p. 2) the relationship between federalism and international law.

After a brief introductory chapter the volume is divided into two parts. The first half, which is entitled "Federalism and Traditional Law," covers three issues: international personality, international responsibility, and international immunity in federal states. In the process Professor Bernier inquires whether certain rules of international law concerning federal states are based on state practice and whether these rules conform to the fundamental principles of sovereignty, consent, and recognition. The second part of the book, which is

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called "Federalism and Evolving International Law," deals with two aspects. The first of these concerns the impact of federal structures on international law. Special emphasis is placed on the extent to which federalism presents an obstacle to international integration and on the existing remedies to divided competence in federal states, namely, the "federal-state" clauses which in the United States at least have political appeal but are constitutionally unnecessary, plural representation, and cooperative federalism or internal cooperation for external purposes. The significance of federalism as a model for international integration as illustrated in particular by the European communities which while possessing "many of the characteristic features" are "still far" (p. 217) from constituting a federal state also is singled out here. The second aspect of this section analyzes the impact of federal law on international law, especially the influence which federal courts have exercised on the development of international law in boundary matters and economic uses of international rivers, and to a lesser degree on acquisitive prescription and the doctrine of *rebus sic stantibus*. As a result of this examination the general conclusion is reached that at present "a love-hate relationship" (pp. 269, 274) exists between federalism and international law, but that federalism is exercising "a growing impact on the development of international law" (pp. 237, 273).

Although the author has carefully surveyed and reviewed the previous literature in a profound and discerning manner, there are certain errors of omission and commission. For example, in presenting the thesis that many writers consider sovereignty as the criterion of international personality, he states that John C. Calhoun regarded sovereignty as "indivisible" and "exclusively" resting in the hands of the component units of the federal state. They "enjoy full international sovereignty and the central state is merely their agent" (pp. 19, 24). Yet he neglects to observe that Congressman Calhoun, as a nationalist, remarked that "[i]n our relation to the rest of the world . . . the States disappear" [29 *Annals of Congress* 531 (1816), 14th Cong., 1st Sess. 1815–1816]. Similarly in attempting to disprove Calhoun's theory on sovereignty he refers not only to Supreme Court cases which involve the foreign affairs power such as *United States* v. *Curtiss-Wright Export Corporation*, 299 U.S. 304 (1936), but also to those which deal with purely domestic matters, for instance, *Cooper* v. *Aaron*, 358 U.S. 1 (1958) which concerned racial segregation. To be sure, both involve the exercise of sovereignty but in the one case it is external and in the other internal sovereignty. This division is noted yet only examined in detail in a later chapter which analyzes the theory and practice of international immunity.

Along these lines it may be pointed out that the Yalta Conference did not take place in 1942 (p. 65), and that the Ukrainian S.S.R. and Byelorussian S.S.R. were not invited to join the United Nations in 1946 (p. 191), though it should be added that elsewhere the author states that the two Soviet republics became original members of the United Nations in 1945 (p. 65). Nor were Byelorussia,

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the Ukraine, India, and the Philippines the only "states" which were not fully sovereign when they joined the organization. There was also ambiguity about the status of Syria and Lebanon. Their independence had been declared and generally accepted, but final arrangements with France—the mandatory power—had not been completed. And it cannot be maintained that Canada has "so far" not "adhere[d]" (p. 156) to the 1951 Convention relating to the Status of Refugees for she acceded to it on June 4, 1969, or that she "ratified" (p. 183) the Convention on the Political Rights of Women in 1953 when in fact Ottawa acceded to that instrument on January 30, 1957, although once again it must be emphasized that 1957 is the year given in another connection (p. 156). Moreover, 1966 not 1967 is the correct year for the Protocol relating to the Status of Refugees which was transmitted to interested states by virtue of General Assembly Resolution 2198 (XXI) of December 16, 1966.

These flaws do not detract from the overall value of the book. Professor Bernier has no doubt given prolonged consideration to his basic thesis and reached conclusions which are not free of legal and political controversy. In so doing he has produced a well-organized, professional, imaginative study which cannot be ignored regardless of whether the reader's interest lies in the area of international and comparative law or in the field of political science.

GUENTER WEISSBERG
Colby College

REFERENCE BOOKS AND SOURCE MATERIALS RECEIVED

A Dictionary of Politics, rev. ed. *edited by Walter Laqueur. New York, The Free Press, 1974.—565 pp. $14.95.*

Franklin Delano Roosevelt Speaks *prepared by the Center for Cassette Studies. Ann Arbor, Mich., Xerox University Microfilms, 1974.—278 speeches on 204 Audio-Text Cassettes (with index). $1995.00 ($12.95 each).*

National Party Platforms, 1840–1972, 5th ed. *compiled by Donald Bruce Johnson and Kurt H. Porter, Urbana, Ill., The University of Illinois Press, 1974.—xii, 889 pp. $20.00.*

Southeast Asia: Documents of Political Development and Change *edited by Roger M. Smith. Ithaca, N. Y., Cornell University Press, 1974.—608 pp. $19.50.*

The Yearbook of World Affairs 1974, vol. 28 *edited by George W. Keeton and Georg Schwarzenberger. New York, Praeger Publishers, Inc., 1974.—vi, 324 pp. $19.50.*

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Correspondence

To the Editor:

The recent book by Townsend Hoopes entitled *The Devil and John Foster Dulles,* which was reviewed in the June issue of the *Political Science Quarterly,* contains statements that are inaccurate about his family life. Since I was closely associated for many years with the entire Dulles family and with his colleagues in public life, I would like to correct some of the author's misrepresentations of the man and his family.

In the fall of 1923, I joined the law firm of Sullivan & Cromwell as an associate. Mr. Dulles was a partner, and I had occasion almost immediately to work closely with him. He was very kind to young lawyers and often invited me to his house for social functions. I soon got to know Mrs. Dulles, their two sons, John W. F. Dulles and Avery Dulles, and their daughter Lillias. Later, after I was married, my wife and I lived near the Dulles's home in Cold Spring Harbor. We knew all of them very well.

Although Mr. Dulles believed that children of the affluent should not be overindulged and that they should be taught strict economy with their allowances, the general family attitude was a very warm and gay one. He often spent time with his children at the Cold Spring Harbor Beach Club, swam with them, and otherwise participated in their activities. I do not believe that Dulles displayed toward his family "a heavy ineptitude combined with unbending reserve" as quoted in the review.

The older son, John, who graduated from Princeton and Harvard Business School, later decided he wished to become a mining engineer. Shortly thereafter he was admitted to the Arizona School of Mines. He did exceptionally well there, and upon graduation was offered a position with the American Metal Company, which then had extensive interests in Mexico. John went to Monterrey as part of his duties as a young geologist and mining engineer. Both Mr.

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and Mrs. Dulles visited him there, and I do not believe that in any sense of the word John became a self-exile in Mexico to get away from his parents.

When Avery was in the United States Navy and was stationed on a ship in the Mediterranean, he had a severe attack of infantile paralysis. Because of the war, neither his father nor his mother could visit him at that time, but both remained close to him during this period. I believe it was about this time that Avery became a convert to Catholicism. Later he became a Jesuit priest. I had many conversations on this subject with Foster and Janet, who were Presbyterians, and I think they soon became reconciled to his conversion, realizing that he was a minister in the Christian religion, as several generations of Dulleses had been.

Lillias married Robert Yost Hinshaw, the son of David Hinshaw, the well-known Quaker and biographer of Herbert Hoover. He decided to go into the trucking business in New York City, a very difficult and hazardous business at that time. He found the management and the financing difficult. Mr. and Mrs. Dulles were very understanding and were most helpful to Lillias and her husband in this trying period.

Just recently, Foster's son John donated a room in honor of his father and mother at the University of Texas, where he is a professor of history. Lillias Dulles was ordained a Presbyterian minister and is now living happily with her family in Ithaca, New York. One of her sons distinguished himself as a student at Cornell University.

I cannot believe that John Foster Dulles was one of the most incompetent secretaries of state. As a young lawyer, I worked on cases with Charles Evans Hughes and Henry L. Stimson. I knew Cordell Hull, Edward Stettinius, James F. Byrnes, Dean Acheson, Dean Rusk, William Rogers, and Henry Kissinger—an impressive list. Comparisons are odious, but I think in most objective opinions John Foster Dulles will stand up well. He was a hard, prodigious worker and no poseur. Regrettably, or wisely, he believed the British, the French, and the Israelis waited until just a few days before the presidential election in 1956 to attack Egypt. He did not see how we could arraign the Peoples Republic of China and North Korea for attacking South Korea if we refrained from comment when our friends attacked Egypt. A minister of state resigned in Great Britain, and Saint Laurent of Canada and Nehru of India, Prime Ministers of their countries, threatened to resign from the Commonwealth of Nations if the attacks were not stopped. President Eisenhower also believed, rightly or wrongly, that Anthony Eden had knowingly withheld important and essential facts from him, but others thought our long friendship should have prevailed.

I trust this information may be of value in giving a more realistic and humane portrait of John Foster Dulles.

ARTHUR H. DEAN

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Index to Volume 89

Articles

ARONOFF, MYRON J.	Political Change in Israel: The Case of a New Town	613
ARTERTON, F. CHRISTOPHER	The Impact of Watergate on Children's Attitudes toward Political Authority	269
CARALEY, DEMETRIOS; HAMILTON, CHARLES V.; MASON, ALPHEUS T.; McCAUGHEY, ROBERT A.; POLSBY, NELSON W.; PRESSMAN, JEFFREY L.; SCHLESINGER, JR., ARTHUR M.; SHERRY, GEORGE L.; and WICKER, TOM	American Political Institutions after Watergate–A Discussion	713
CAREY, JANE PERRY CLARK	Iran and Control of Its Oil Resources	147
CENTER, JUDITH A..	1972 Democratic Convention Reforms and Party Democracy	325
DEBENEDETTI, CHARLES	James T. Shotwell and the Science of International Politics	379
EDINGER, LEWIS J.	Where Are the Political Superstars?	249
FINCH, GERALD B.	Impeachment and the Dynamics of Public Opinion: A Comment on "Guilty, Yes; Impeachment, No"	301
GRABER, DORIS A.	Press Coverage and Voter Reaction in the 1968 Presidential Election	68
HAMILTON, CHARLES V.	See Caraley, Demetrios	
HENKIN, LOUIS	Politics and the Changing Law of the Sea	46
HESS, GARY R.	The Iranian Crisis of 1945–46 and the Cold War	117
HUNTINGTON, SAMUEL P.	Paradigms of American Politics: Beyond the One, the Two, and the Many	1
LAKOFF, SANFORD A.	Congress and National Science Policy	589
LEIGH, MICHAEL	Is There a Revisionist Thesis on the Origins of Cold War?	101
MASON, ALPHEUS T.	The Burger Court in Historical Perspective	27
MASON, ALPHEUS T.	See Caraley, Demetrios	
McCAUGHEY, ROBERT A.	See Caraley, Demetrios	

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

McCORMICK, RICHARD L.	Ethno-Cultural Interpretations of Nineteenth-Century American Voting Behavior	351
McGEEVER, PATRICK J.	"Guilty, Yes; Impeachment, No": Some Empirical Findings	289
MERKL, PETER H.	The German Janus: From *Westpolitik* to *Ostpolitik*	803
ORFIELD, GARY	Federal Policy, Local Power, and Metropolitan Segregation	777
PIOUS, RICHARD M.	Is Presidential Power "Poison"?	627
POLSBY, NELSON W.	See Caraley, Demetrios	
PRESSMAN, JEFFREY L.	See Caraley, Demetrios	
PRESSMAN, JEFFREY L., and SULLIVAN, DENIS G.	Convention Reform and Conventional Wisdom: An Empirical Assessment of Democratic Party Reforms	539
RODGERS, JR., HARRELL R.	The Supreme Court and School Desegregation: Twenty Years Later	751
ROSKIN, MICHAEL	From Pearl Harbor to Vietnam: Shifting Generational Paradigms and Foreign Policy	563
SCHLESINGER, JR., ARTHUR M.	On the Presidential Succession	475
SCHLESINGER, JR., ARTHUR M.	See Caraley, Demetrios	
SHERRY, GEORGE L.	See Caraley, Demetrios	
SULLIVAN, DENIS G.	See Pressman, Jeffrey L.	
SULLIVAN, MARIANNA P.	France and the Vietnam Peace Settlement	305
WICKER, TOM	See Caraley, Demetrios	
WYMAN, ROGER E.	Agrarian or Working-Class Radicalism? The Electoral Basis of Populism in Wisconsin	825
XYDIS, STEPHEN G.	Coups and Countercoups in Greece, 1967–1973 (*with postscript*)	507

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Books Reviewed

Abraham, Justices and Presidents	JOHN B. SCHMIDHAUSER	859
Arian, The Choosing People	AVRAHAM AVI-HAI	452
Bach, The New Inflation	RAYMOND J. SAULNIER	405
Barber, Lally, Makarushka, and Sullivan, Research on Human Subjects	FRANK P. GRAD	179
Barros, ed., The United Nations	STANLEY J. MICHALAK, JR.	461
Barston, ed., The Other Powers	ANNETTE BAKER FOX	460
Beeman, The Old Dominion and the New Nation, 1788–1801	WILLIAM B. HULL	442
Bell, Party and Faction in American Politics	JOSEPH COOPER	691
Benedict, The Impeachment and Trial of Andrew Johnson	LARRY R. MATHENY	650
Berger, Impeachment	LARRY R. MATHENY	650
Bernier, International Legal Aspects of Federalism	GUENTER WEISSBERG	902
Berrington, Backbench Opinion in the House of Commons 1945–55	LEON D. EPSTEIN	883
Bethell, The War Hitler Won	EDWARD D. WYNOT, JR.	887
Bevan, Marx and Burke	MICHAEL LEVIN	708
Billington, Frederick Jackson Turner	ROBERT A. MCCAUGHEY	200
Black and Falk, eds., The Future of the International Legal Order, Vol. III	LINDA B. MILLER	242
Bluhm, Ideologies and Attitudes	MOSTAFA REJAI	875
Blum, ed., The Price of Vision	ROBERT F. CAMPBELL	661
Boorstin, The Americans	LAWRENCE FUCHS	397
Boyce, Englishmen and Irish Troubles	NICHOLAS MANSERGH	699
Bretton, Power and Politics in Africa	L. GRAY COWAN	227
Brodie, War and Politics	THOMAS C. LEONARD	205
Brown, An American Philosophy of Social Security	EVELINE M. BURNS	683
Bruegel, Czechoslovakia Before Munich	FRANK DINKA	217
Bryan, Yankee Politics in Rural Vermont	LOUIS MAISEL	680
Buenker, Urban Liberalism and Progressive Reform	KENNETH T. JACKSON	711
Buhite, Patrick J. Hurley and American Foreign Policy	O. EDMUND CLUBB	207
Caldwell, A Secret War	O. EDMUND CLUBB	207
Chafe, The American Woman	BARBARA MILLER SOLOMON	197
Cohen, B. The Public's Impact on Foreign Policy	MICHAEL LEIGH	688
Cohen, S., Bukharin and the Bolshevik Revolution	PETER H. JUVILER	892
Colbourn, ed., Fame and the Founding Fathers	JACK P. GREENE	860
Cook and Ramsden, eds., By-Elections in British Politics	STEPHEN KOSS	697
De Toledano, J. Edgar Hoover	JOHN T. ELLIFF	192
Divine, Foreign Policy and U. S. Presidential Elections, 1940–1948	H. BRADFORD WESTERFIELD	686
Divine, Foreign Policy and U. S. Presidential Elections, 1952–1960	H. BRADFORD WESTERFIELD	686

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Dunn, Modern Revolutions — Robert E. Bedeski — 232
Eckstein, ed., Comparison of Economic Systems — Kenneth E. Boulding — 236
Elitzur and Salpeter, Who Rules Israel? — Avraham Avi-hai — 452
Elmandjra, The United Nations System — Martin Hill — 230
Emmerson and Humphreys, Will Japan Rearm? — Akira Iriye — 894
Enloe, Ethnic Conflict and Political Development — Audrey C. Smock — 706
Etzioni, Genetic Fix — Alexander M. Capron — 856
Evers, ed., Modernization in South-East Asia — Cynthia H. Enloe — 895
Fellman, The Deceived Majority — Frances Fox Piven — 669
Fenyo, Hitler, Horthy, and Hungary — Edward D. Wynot, Jr. — 887
Fishel, Party and Opposition — Raisa B. Deber — 668
Foot, Aneurin Bevan — P. F. Clarke — 445
Fox and Schilling, eds., European Security and the Atlantic System — Edward A. Kolodziej — 880
Freidel, Franklin D. Roosevelt — Stephen J. Wayne — 663
Fried, The World of the Urban Working Class — Leonard I. Pearlin — 855
Fried, Rivlin, Schultze, and Teeters, Setting National Priorities: The 1974 Budget — Marion Hamilton Gillim — 183
Friedman, Inflation, A Worldwide Disaster — Raymond J. Saulnier — 405
Galbraith, Economics and the Public Purpose — Dave M. O'Neill — 402
Gans, More Equality — Howard Zinn — 854
Geiger, The Fortunes of the West — Alastair Buchan — 458
Gluckman, ed., Ideas and Procedures in African Customary Law — Elizabeth E. Hopkins — 234
Goldberg, Cave Dwellers and Citrus Growers — Myron J. Aronoff — 225
Goodwin, The American Condition — Robert Lekachman — 849
Graubard, Kissinger — Norman A. Graebner — 409
Greeley, Building Coalitions — James L. Sundquist — 657
Grimshaw, Women's Suffrage in New Zealand — Barbara Miller Solomon — 197
Gruber, The Howe Brothers and the American Revolution — Willard M. Wallace — 464
Haithcox, Communism and Nationalism in India — Joan V. Bondurant — 470
Hamby, Beyond the New Deal — Cabell Phillips — 850
Hamilton, C. V., The Bench and the Ballot — Lucius J. Barker — 184
Hamilton, F., Rizzo — Richard C. Lee — 416
Hanley, The American Revolution and Religion — Martin E. Marty — 465
Harbaugh, Lawyer's Lawyer — Stephen Botein — 665
Hart, Right From the Start — Richard R. Rubin — 427
Harvey, Black Civil Rights During the Johnson Administration — Richard H. Leach — 426
Haynes, The Awesome Power — John Spanier — 658
Heimann, ed., The Future of Foundations — Elinor G. Barber — 654
Higham, ed., Civil Wars in the Twentieth Century — Robert E. Bedeski — 232
Hildebrand, The Foreign Policy of the Third Reich — Edward D. Wynot, Jr. — 887
Holden, The Politics of the Black "Nation" — Wilbur Rich — 189

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Holden, The White Man's Burden	WILBUR RICH	189
Hoopes, The Devil and John Foster Dulles	ARNOLD A. ROGOW	410
Iriye, The Cold War in Asia	WALTER LAFEBER	690
Iyer, The Moral and Political Thought of Mahatma Gandhi	DENNIS DALTON	456
Jabber, Israel and Nuclear Weapons	GARY S. SCHIFF	454
Johannsen, Stephen A. Douglas	ERIC FONER	432
Johnson, Justice and Reform	RICHARD M. PIOUS	861
Johnson and Evans, eds., The Papers of Adlai E. Stevenson: Vol. II	WARREN F. KUEHL	434
Johnson and Evans, eds., The Papers of Adlai E. Stevenson: Vol. III	HERMAN DUNLAP SMITH	660
Joll, Europe Since 1870	RENÉ ALBRECHT-CARRIÉ	700
Katznelson, Black Men, White Cities	MICHAEL LIPSKY	186
King, Minorities under Communism	TRAIAN STOIANOVICH	450
Kirkpatrick, Leader and Vanguard in Mass Society	ELDON KENWORTHY	244
Kohlmeier, "God Save This Honorable Court!"	D. GRIER STEPHENSON, JR.	652
Koss, Fleet Street Radical	KENNETH O. MORGAN	212
Koss, ed., The Pro-Boers	A. J. A. MORRIS	446
Krislov, Representative Bureaucracy	WILBUR RICH	868
Kuper, H. and L., eds., African Law	ELIZABETH E. HOPKINS	234
Landau, Kissinger	ARNOLD A. ROGOW	194
La Noue and Smith, The Politics of School Decentralization	JOSEPH F. ZIMMERMAN	870
Lazitch and Drachkovitch, Lenin and the Comintern, Vol. I	WARREN LERNER	238
Macmillan, At the End of the Day, 1961–1963	RICHARD W. LYMAN	443
Maddox, The New Left and the Origins of the Cold War	BENNETT KOVRIG	202
Main, Political Parties before the Constitution	RICHARD BUEL, JR.	438
Makielski, Beleaguered Minorities	ANDREW M. GREELEY	401
Markowitz, The Rise and Fall of the People's Century	ROBERT F. CAMPBELL	661
Matthews, D., ed., Perspectives on Presidential Selection	GERALD FINCH	428
Matthews, M., Class and Society in Soviet Russia	BERNARD BARBER	449
McGarvey, C. I. A.	JOHN T. ELLIFF	192
Meier and Rudwick, CORE	CHARLES V. HAMILTON	188
Minow, Martin, and Mitchell, Presidential Television	ERIK BARNOUW	178
Mohr, The Radical Republicans and Reform in New York During Reconstruction	RICHARD L. MCCORMICK	693
Morgan, ed., Lloyd George	A. J. A. MORRIS	446
Moynihan, Coping	ALICE M. RIVLIN	645
Munro and Inglis, eds., Mike: The Memoirs of the Right Honourable Lester B. Pearson, Vol. 2	THOMAS P. PEARDON	695
Nzimiro, Studies in the Ibo Political Systems	J. H. M. BEATTIE	239
Office of Public Information, United Nations, Yearbook of the United Nations, Vol. 24, 1970	LELAND M. GOODRICH	230

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Olusanya, The Second World War and Politics in Nigeria, 1939–1953 — Levi A. Nwachuku 898
Ostrom, The Intellectual Crisis in American Public Administration — Harvey C. Mansfield 871
Oxley, Pravda, and Ritchie, eds., Czechoslovakia — Frank Dinka 217
Passell and Ross, The Retreat from Riches — Richard Szal 406
Pasternak, Kinship and Community in Two Chinese Villages — Bernard Gallin 224
Paterson, Soviet-American Confrontation — Nils H. Wessell 431
Patterson, E., Black City Politics — Shirley E. Ostholm 671
Patterson, S., Political Parties in Revolutionary Massachusetts — Paul Goodman 439
Peil, The Ghanaian Factory Worker — Elliot Berg 228
Peirce, The Deep South States of America — Clifton McCleskey 682
Piele and Hall, Budgets, Bonds, and Ballots — Gerald Benjamin 421
Pole, Foundations of American Independence: 1763–1815 — Linda K. Kerber 209
Porter, ed., The Aberystwyth Papers — Harold K. Jacobson 241
Preston, ed., The Influence of the United States on Canadian Development — Robin W. Winks 210
Pryce-Jones, The Face of Defeat — Naomi Williams 702
Punnett, Front-Bench Opposition — Leon D. Epstein 883
Putnam, The Beliefs of Politicians — Robert E. Lane 175
Richards, The Backbenchers — Leon D. Epstein 883
Riesman and Stadtman, Academic Transformation — Everett Carll Ladd, Jr. 181
Robinson, ed., Developing the Third World — Harry G. Johnson 709
Rokeach, The Nature of Human Values — Robin M. Williams, Jr. 399
Rolfe and Burtle, The Great Wheel — Stephen G. Xydis 901
Roos, L. and N., Managers of Modernization — Serif Mardin 704
Rose, Rothman, and Wilson, Through Different Eyes — Michael Preston 862
Rosenthal, Lawyer and Client — Bernard Barber 852
Ross, G. Stanley Hall — Robert A. McCaughey 200
Rowbotham, Woman's Consciousness, Man's World — Annette K. Baxter 666
Ruchelman, Police Politics — James P. Gifford 864
Russell, Medieval Regions and Their Cities — Richard Roehl 468
Schilling, Fox, Kelleher, and Puchala, American Arms and a Changing Europe — Edward A. Kolodziej 880
Schultz, The Culture Factory — Francis A. J. Ianni 195
Schwartz, Political Alienation and Political Behavior — Robert E. Lane 175
Semmel, The Methodist Revolution — Gertrude Himmelfarb 213
Shepherd and Walton, Shipping, Maritime Trade and the Economic Development of Colonial North America — Michael Moohr 467
Sherman, Radical Political Economy — Maurice Dobb 463
Sigal, Reporters and Officials — Doris A. Graber 672
Simon, In His Own Image — D. Grier Stephenson, Jr. 652
Siracusa, New Left Diplomatic Histories and Historians — Bennett Kovrig 202

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Smolansky, The Soviet Union and the Arab East under Krushchev — Arnold L. Horelick — 890
Sochen, The New Woman — Barbara Miller Solomon — 197
Spero, Government as Employer — Daniel Leab — 423
Spero and Capozzola, The Urban Community and Its Unionized Bureaucracies — Daniel Leab — 423
Stanley, ed., Social Development — Richard H. Brown — 246
Sternlieb and Burchell, Residential Abandonment — Flora S. Davidson — 419
Stewart, One Last Chance — Judith H. Parris — 676
Strickland, Politics, Science, and Dread Disease — George Rosen — 684
Strout, The New Heavens and New Earth — Richard E. Morgan — 878
Sullivan, Pressman, Page, and Lyons, The Politics of Representation — Judith H. Parris — 676
Sundquist, Dynamics of the Party System — Frank J. Sorauf — 678
Thernstrom, The Other Bostonians — Sam Bass Warner, Jr. — 413
Tobin, The New Economics One Decade Older — Robert V. Roosa — 873
Trattner, From Poor Law to Welfare State — Stephen David — 424
Ulam, Stalin — Robert G. Wesson — 215
Urofsky and Levy, eds., Letters of Louis D. Brandeis: Vol. III — Osmond K. Fraenkel — 435
van Creveld, Hitler's Strategy 1940–41 — Edward D. Wynot, Jr. — 887
Verba and Nie, Participation in America — Gerald Finch — 674
Veysey, The Communal Experience — Lewis A. Coser — 877
Weisbord, Ebony Kinship — Pearl Robinson — 899
Weistart, Police Practices — James P. Gifford — 864
Whitson, ed., The Military and Political Power in China in the 1970's — Kurt Lang — 222
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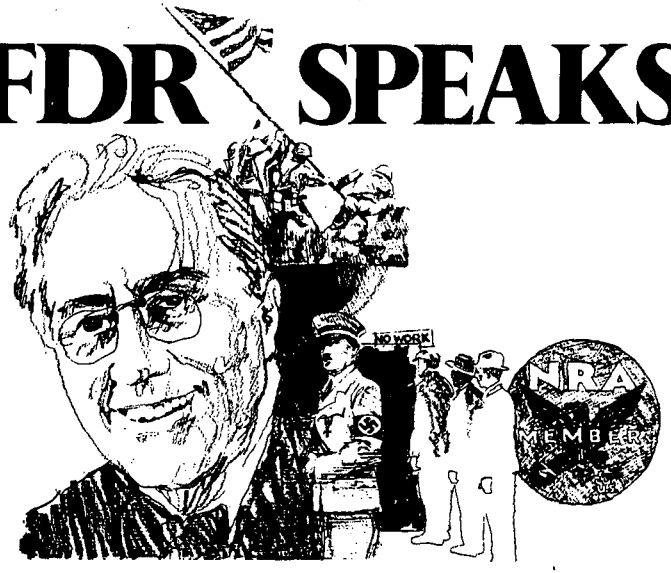

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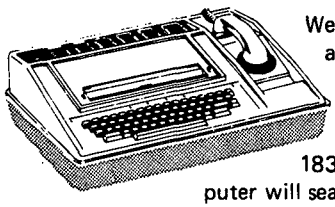

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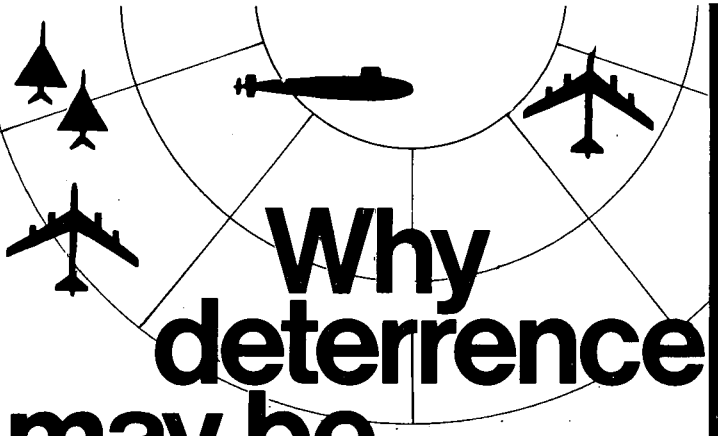

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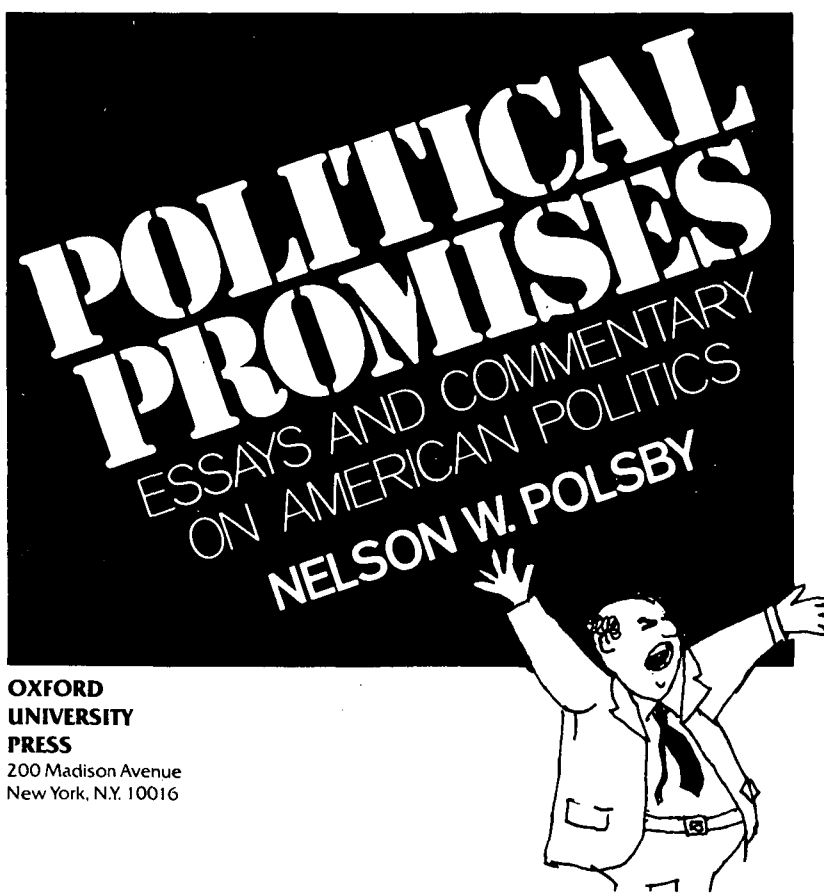

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